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Tuesday
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WHO: The Office of the Federal Register.

WHAT: Free public briefings (approximately 3 hours) to present:

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4. An introduction to the finding aids of the FR/CFR system.

WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

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First Floor Conference Room.
1100 L Street NW., Washington, DC.
RESERVATIONS: 202–523–5240.
DIRECTIONS: North on 11th Street from Metro Center to corner of 11th and L Streets

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WHEN: May 27, at 9:00 a.m.
WHERE: Room 419
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495 Summer Street
Boston, MA
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WHEN: June 16; 9:00 a.m.
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Chicago, IL
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Presidential Documents

Title 3—

The President

Proclamation 6430 of May 8, 1992

Mother's Day, 1992

By the President of the United States of America

A Proclamation

When we Americans observed a National Day of Prayer earlier this week, we not only gave thanks for our many blessings but also prayed for the renewal of our Nation's moral heritage, beginning with that most precious and important of institutions: the family. It seems fitting, therefore, that we observe Mother's Day while those prayers still echo in our thoughts. A mother is the heart of the family and the light of the home, and the love and values that she imparts to her children profoundly influence the character of our communities and country.

"All that I am," said John Quincy Adams, "my mother made me." Who of us could not say likewise? A mother is her child's first and most influential teacher, and the lessons that one learns through her love and example last a lifetime. Ranging from simple lessons about courtesy and kindness to poignant lessons about duty, honor, patience, and forgiveness, they guide us even as we rear children of our own. Indeed, the older we become, the more deeply we appreciate our mother's wisdom—as well as the many worries and sacrifices that she has endured for our sake.

Today, as we honor all women who, by virtue of giving birth or through marriage or adoption, are mothers, we remember especially those who—despite even the most difficult social and economic circumstances—help their children to grow in love of God and neighbor and in understanding of the difference between right and wrong. Through their faith and courage, and through the unconditional love and acceptance that are the mark of motherhood, these women give their children hope, self-esteem, and direction. In so doing, they give them keys to a brighter future.

In grateful recognition of the contributions that mothers everywhere make to their families and to the Nation, the Congress, by a joint resolution approved May 8, 1914 (38 Stat. 771), has designated the second Sunday in May each year as "Mother's Day" and requested the President to call for its appropriate observance.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim that Sunday, May 10, 1992, be observed as Mother's Day. I urge all Americans to express their love and respect for their mothers on this day; to reflect on the importance of motherhood to our families and Nation; and to ask for God's blessing upon each. I also direct Federal officials to display the flag of the United States on all Federal buildings, and I encourage all citizens to display the flag at their homes and other suitable places on that day.

IN WITNESS WHEREOF, I have hereunto set my hand this eighth day of May, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the United States of America the two hundred and sixteenth.

George Bush

[FR Doc. 92-11260
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Rules and Regulations

Federal Register
Vol. 57, No. 92
Tuesday, May 12, 1992

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 77

[Docket No. 92-008]

Tuberculosis in Cattle and Bison; State Designation

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule.

SUMMARY: We are amending the regulations concerning the interstate movement of cattle and bison because of tuberculosis by raising the designation of Tennessee from a modified accredited State to an accredited-free State. We have determined that Tennessee meets the criteria for designation as an accredited free State.

DATES: Interim rule effective May 12, 1992. Consideration will be given only to comments received on or before July 13, 1992.

ADDRESSES: To help ensure that your written comments are considered, send an original and three copies to Chief, Regulatory Analysis and Development, PPD, APHIS, USDA, room 804, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Please state that your comments refer to Docket Number 92-008. Comments received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Dr. Ronald A. Stenseng, Senior Staff Veterinarian, Cattle Diseases and Surveillance Staff, VS, APHIS, USDA, room 729, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436-8715.

SUPPLEMENTARY INFORMATION:

Background

The "Tuberculosis" regulations contained in 9 CFR part 77 (referred to below as the regulations) regulate the interstate movement of cattle and bison because of tuberculosis. Bovine tuberculosis is the contagious, infectious, and communicable disease caused by *Mycobacterium bovis*. The requirements of the regulations concerning the interstate movement of cattle and bison not known to be affected with, or exposed to, tuberculosis are based on whether the cattle and bison are moved from jurisdictions designated as accredited-free States, modified accredited States, or nonmodified accredited States.

The criteria for determining the status of States (the term State is defined to mean any State, territory, the District of Columbia, or Puerto Rico) are contained in a document captioned "Uniform Methods and Rules—Bovine Tuberculosis Eradication," 1985 edition, which has been made part of the regulations via incorporation by reference. The status of States is based on the rate of tuberculosis infection present and the effectiveness of a tuberculosis eradication program.

Before publication of this interim rule, Tennessee was designated in § 77.1 of the regulations as a modified accredited State. However, Tennessee now meets the requirements for designation as an accredited-free State. Therefore, we are amending the regulations by removing Tennessee from the list of modified accredited States in § 77.1 and adding it to the list of accredited-free States in that section.

Immediate Action

Robert Melland, Administrator of the Animal and Plant Health Inspection Service, has determined that there is good cause for publishing this interim rule without prior opportunity for public comment. It is necessary to change the regulations so that they accurately reflect the current tuberculosis status of Tennessee as an accredited-free State. This will provide prospective cattle and bison buyers with accurate and up-to-date information, which may affect the marketability of cattle and bison since some prospective buyers prefer to buy cattle and bison from accredited-free States.

Since prior notice and other public procedures with respect to this interim rule are impracticable and contrary to the public interest under these conditions, there is good cause under 5 U.S.C. 553 to make it effective upon publication in the **Federal Register**. We will consider comments that are received within 60 days of publication of this interim rule in the **Federal Register**. After the comment period closes, we will publish another document in the **Federal Register**, including a discussion of any comments we receive and any amendments we are making to the rule as a result of the comments.

Executive Order 12291 and Regulatory Flexibility Act

We are issuing this rule in conformance with Executive Order 12291, and we have determined that it is not a "major rule." Based on information compiled by the Department, we have determined that this rule will have an effect on the economy of less than $100 million; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and will not cause a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Cattle and bison are moved interstate for slaughter, for use as breeding stock, or for feeding. Changing the status of Tennessee may affect the marketability of cattle and bison from the State, since some prospective cattle and bison buyers prefer to buy cattle and bison from accredited-free States. This may result in some beneficial economic impact on some small entities. However, based on our experience in similar designations of other States, the impact should not be significant.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act

This rule contains no new information collection or recordkeeping requirements under the Paperwork

Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

Executive Order 12778

This rule amends the regulations concerning the interstate movement of cattle and bison because of tuberculosis by raising the designation of Tennessee from a modified accredited State to an accredited-free State. All State and local laws and regulations that are in conflict with this rule will be preempted. No retroactive effect is to be given to this rule. This rule does not require administrative proceedings before parties may file suit in court.

List of Subjects in 9 CFR Part 77

Animal diseases, Bison, Cattle, Transportation, Tuberculosis.

Accordingly, 9 CFR part 77 is amended as follows:

PART 77—TUBERCULOSIS

1. The authority citation for part 77 continues to read as follows:

Authority: 21 U.S.C. 111, 114, 114a, 115–117, 120, 121, 134b, 134f; 7 CFR 2.17, 2.51, and 371.2(d).

§ 77.1 [Amended]

2. In § 77.1, in the definition for "Modified accredited state", paragraph (2) is amended by removing "Tennessee,".

3. In § 77.1, in the definition for "Accredited-free state", paragraph (2) is amended by adding "Tennessee," immediately before "Utah,".

Done in Washington, DC, this 4th day of May 1992.

Lonnie J. King,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 92–11107 Filed 5–11–92; 8:45 am]

BILLING CODE 3410–34–M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 2

RIN 3150–AD60

Revisions to Procedures To Issue Orders: Challenges to Orders That Are Made Immediately Effective

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is revising its regulations governing orders to provide for the expeditious consideration of challenges to orders that are made immediately effective. The amendments specifically allow challenges to the immediate effectiveness of an order to be made at the outset of a proceeding and provide procedures for the expedited consideration and disposition of such challenges. The amendments also require that challenges to the merits of an immediately effective order be heard expeditiously, except where good cause exists for delay.

EFFECTIVE DATE: June 11, 1992.

FOR FURTHER INFORMATION CONTACT: John Cho, Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone: 301–504–1585.

SUPPLEMENTARY INFORMATION:

Background

On July 5, 1990 (55 FR 27645), the Commission published in the **Federal Register** proposed changes to the Commission's Rules of Practice, 10 CFR part 2, relating to orders that are made immediately effective. These changes were part of a broader Commission effort to clarify and improve its regulatory enforcement mechanism.

In April 1990, other changes to various parts to 10 CFR chapter I had been proposed. These included changes to part 2 to make clear that unlicensed persons who violate Commission licensing and regulatory requirements may be subject to Commission enforcement action and to identify the types of orders to which hearing rights attach (55 FR 12370; April 3, 1990). They also included changes to parts 30, 40, 50, 60, 61, 70, 72, 110 and 150 to put unlicensed persons on notice that they may be subject to Commission enforcement action for willfully causing a licensee to violate any of the Commission's requirements, or for other willful misconduct that arises out of activities within the jurisdiction of the NRC and places in question the NRC's reasonable assurance that licensed activities will be conducted in a manner that provides adequate protection to the public health and safety (55 FR 12374; April 3, 1990). On August 15, 1991 (56 FR 40664), the Commission published a final rule covering the changes proposed in the April 3 notices.

With that rule in place, further consideration by the Commission of the proposed changes to part 2 relating to the immediate effectiveness of orders is a logical next step. Part 2 is now further amended to allow early challenges to the immediate effectiveness aspect of immediately effective orders and to establish an expedited procedure for the resolution of such challenges.

Summary of the Proposed Rule

The July 5, 1990 notice contained proposed changes to § 2.202 to provide specifically for challenges to the immediate effectiveness of an order. Under § 2.202 as it now exists, an order can be made immediately effective when required to protect the public health, safety, or interest or for willful violation of Commission requirements or other willful misconduct. The changes proposed provided that the recipient of an immediately effective order could challenge its immediate effectiveness by filing, at the time an answer to the order is filed, a motion to set aside immediate effectiveness. Such a motion is required to be heard and decided expeditiously, generally no longer than fifteen days, by the presiding officer. In the interim, the presiding officer is without power to stay the effectiveness of the order. The changes also contemplated that the presiding officer, a Licensing Board or Administrative Judge, must uphold immediate effectiveness if, on consideration of the evidence presented by the NRC staff, the presiding officer finds that the evidence is adequate to support the immediate effectiveness of the order (i.e., the existence of facts and circumstances within the staff's knowledge, of which it has reasonably trustworthy information, sufficient to cause a person of reasonable caution to believe that the order is properly founded).

The changes also required that the hearing on the merits be conducted on an accelerated basis. Finally, the changes allowed the presiding officer to delay for good cause the proceeding on the merits.

Public Comments and the Commission's Response

The July 5, 1990 notice resulted in the receipt of comments from the Nuclear Management and Resources Council (NUMARC); two law firms, each representing several utilities and other entities; and six individual utilities. Generally, the commenters supported the underlying purpose of the rule: to provide a procedure for the expedited resolution of challenges to the immediate effectiveness of an order. The commenters, however, had disagreements on various aspects of the rule. The disagreements revolved

around four issues. These issues are discussed below.

(1) Basis for Immediate Effectiveness

The commenters generally agreed with the need for the Commission to be able to make an order immediately effective to protect the public health and safety. Concern was expressed, however, that the rule allows the Commission to make an order immediately effective also for willful misconduct. In that connection, one commenter noted that where the public health and safety is not threatened, there is no strong governmental interest for immediate effectiveness. Another commenter asserted that a better balance between the government's interests and the private rights of the individual charged, especially where the individual's livelihood may be at stake, would be achieved by permitting stays of immediately effective orders in willfulness cases.

These comments are deserving of serious consideration. The Commission, however, believes that inclusion of willful misconduct as a basis for immediately effective orders affords it greater flexibility in dealing with license violations and should be retained in the rule in the form presented. The NRC relies on the integrity of individuals involved in licensed activities to ensure compliance with NRC requirements. When an individual willfully violates Commission requirements, that reliance is undermined. Consequently, immediately effective orders have been used in cases of willfulness where the staff needed to take immediate action in order to restore reasonable assurance that the public health, safety and interest would be protected. In these cases, the immediately effective order was issued based not solely on a willful violation but also on a concurrent conclusion that the public health, safety and interest also indicated the need for immediately effective action.

Allowing orders to become immediately effective is not new. It has been an integral part of § 2.202 since at least 1962 (27 FR 377; January 13, 1962). Moreover, allowing an order to become immediately effective on the ground of willfulness is consistent with Section 9 of the Administrative Procedure Act, 5 U.S.C. 558. Under that provision, orders may be made immediately effective—i.e., advance notice of license withdrawal, suspension, revocation or annulment need not be given in cases of willfulness or those in which the public health, safety, or interest so requires. See *Koden* v. *Department of Justice*, 564 F.2d 228 (7th Cir. 1977); *Cargill Inc.* v. *Hardin*, 452 F.2d 1154 (8th Cir. 1971); *KWK Radio, Inc.* v. *FCC*, 337 F.2d 540 (D.C. Cir. 1964); *Goodman* v. *Benson*, 286 F.2d 896, 900 (7th Cir. 1961); *Air Transport Associates* v. *CAB*, 199 F.2d 181, 186 (D.C. Cir. 1952), *certiorari denied*, 344 U.S. 922 (1953).

The Administrative Procedure Act provision is a manifestation of the well-established principle that the government may, consistent with due process, take prompt action where needed to protect important government interests and provide a hearing a reasonable time afterwards on the merits of its action. See, e.g., *Federal Deposit Insurance Corporation* v. *Mallen*, 486 U.S. 230 (1988). It may be that in certain cases, as one of the commenters suggested, an immediately effective order may cause a person to suffer loss of employment while the order is being adjudicated. However, the impact on the public health, safety, or interest from effects of violations of Commission health and safety requirements must be given paramount consideration over an individual's right of employment. The summary destruction of property without prior notice or hearing for the protection of public health has long been constitutionally upheld. See, e.g., *Ewing* v. *Mytinger & Casselberry, Inc.*, 339 U.S. 594, 599–600 (1950). "It is sufficient, where only property rights are concerned, that there is at some stage an opportunity for a hearing and a judicial determination." *Id.* at 599 (citing *Phillips* v. *Commissioner*, 283 U.S. 589, 596–97 (1936); *Bowles* v. *Willingham*, 321 U.S. 503, 520 (1944); *Yakus* v. *United States*, 321 U.S. 414, 442–43 (1944)).

In this respect, section 9 of the Administrative Procedure Act does not distinguish between willfulness and public health, safety, or interest in setting them out as grounds for immediately effective orders. With respect to either ground, that act dispenses with the need to provide a licensee with a second chance to comply with the requirements of the agency before the agency may revoke, withdraw, suspend, or annul the license. See Attorney General's Manual on the Administrative Procedure Act (1947) at 91. In the same vein, the Commission sees no need to provide different procedures for hearing challenges to such orders depending on the ground upon which the order is founded. All that is required is that, at some stage, there is an opportunity for a hearing and judicial determination. The rule adopted herein meets these requirements.

(2) Adequate Evidence Test

The responses to the Commission's proposed adoption of the adequate evidence standard for deciding challenges to the immediate effectiveness of orders were mixed, ranging from qualified approval to total disagreement. One commenter agreed that where the immediate effectiveness of an order was based on public health and safety considerations, the adequate evidence test struck a reasonable balance between the need to protect the public health and safety and the need to provide affected parties a reasonable measure of protection against orders that may lack adequate foundation. According to that commenter, however, that is not the case where an order is based solely on willfulness.

Another commenter did not object to the use of the adequate evidence test for deciding the question of immediate effectiveness, but found the explanation that accompanied the rule confusing. According to that commenter, the explanation given to the effect that a presiding officer must decide immediate effectiveness based on the adequacy of the staff's evidence alone is not consistent with the cases cited by the Commission in support of the adequate evidence test, *Transco Security, Inc. of Ohio* v. *Freeman*, 639 F.2d 318, 322–23 (6th Cir. 1981); and *Horne Brothers, Inc.* v. *Laird*, 463 F.2d 1268, 1270–71 (D.C. Cir. 1972). Those cases, the commenter asserts, require that persons affected by an immediately effective order be given meaningful opportunity to "present information or argument" while the opportunity provided by the rule is not meaningful. Along this same line, another commenter suggested that the adequate evidence test denies due process to a person subject to an immediately effective order in circumstances in which the person's employment is at stake. According to the commenter, citing *Cleveland Board of Education* v. *Loudermill*, 470 U.S. 532 (1985), due process requires the government to offer such a person some sort of pre-termination hearing as an initial check against mistaken decisions, i.e., at least an opportunity to present evidence, before giving effect to a decision terminating employment. In the commenter's view, by allowing the presiding officer to uphold immediate effectiveness solely on the basis of NRC staff's evidence, the adequate evidence test does not meet this requirement.

Still another commenter opposed the adequate evidence test altogether and proposed in lieu thereof a preponderance of the evidence standard. According to that commenter, the adequate evidence test made any challenge of immediate effectiveness a futile gesture since the rule required the

presiding officer to uphold immediate effectiveness on the basis of the staff's evidence without having to balance it against the challenger's evidence.

The Commission has reevaluated the proposed adequate evidence test in light of the comments received and continues to believe that the test is warranted, not only to sustain immediate effectiveness for health and safety considerations but for willful violations of Commission requirements and public interest considerations as well. However, in response to the comments, the proposed rule is clarified in several respects in this final rule.

Under this final rule, the subject of an immediately effective order may move the presiding officer to set aside immediate effectiveness at the time it files an answer to the order or earlier. Such a motion must be founded on the following ground: the order, including the need for its immediate effectiveness, is not based on adequate evidence but on mere suspicion, unfounded allegations, or error. For example, the motion in connection with an immediately effective order suspending license operation could assert that, contrary to the order, immediate effectiveness was not necessary to protect the public health and safety. Another example could be a motion that asserts that immediate effectiveness would adversely affect the public health and safety to a significantly greater degree than allowing operation under the license in question pending final decision on the suspension order. The motion shall be accompanied by supporting affidavits. The response by the staff will present evidence supporting the order and its immediate effectiveness. The presiding officer will then decide, on the basis of the information presented by the parties, whether adequate evidence to support the order and its immediate effectiveness exists warranting the staff's action. The presiding officer may call for oral argument but is not required to do so. The Commission expects the presiding officer to hear and decide the motion on an expedited basis, generally within 15 days of its filing. The filing of the motion will not stay the merits proceeding before the presiding Licensing Board or Administrative Judge.

The adequate evidence test contemplated by the rule is akin to that enunciated by the court in *Horne Bros., supra*. The test may be likened to the probable cause necessary for an arrest, a search warrant, or a preliminary hearing. This is less than must be shown at the trial, but must be more than uncorroborated suspicion or accusation. 436 F.2d at 1271. "Probable cause is deemed to exist where the facts and circumstances within the affiant's knowledge, and of which he has reasonably trustworthy information, are sufficient unto themselves to warrant a man of reasonable caution to believe that an offense has been or is being committed." *United States* v. *Hill*, 500 F.2d 315, 317 (5th Cir. 1974). Thus, in the context of the rule, adequate evidence is deemed to exist when facts and circumstances within the NRC staff's knowledge, of which it has reasonably trustworthy information, are sufficient to warrant a person of reasonable caution to believe that the charges specified in the order are true and that the order is necessary to protect the public health, safety, or interest.

The Commission believes that this test for determining immediate effectiveness has sufficient precedent, albeit in different contexts, to be understandable and workable; and that it does not violate due process. What may not constitute a meaningful notice and opportunity to be heard in one circumstance may suffice in another. What process is due a person requires a balancing between the government's interest and the person's private interest. As stated by the Court in *Transco:*

> The very nature of due process negates any concept of inflexible procedures universally applicable to every imaginable situation * * *. [C]onsideration of what procedures due process may require under any given circumstances must begin with a determination of the precise nature of the government function involved as well as of the private interest that has been affected by governmental action.

639 F.2d at 322, citing *Cafeteria Workers* v. *McElroy*, 367 U.S. 886 (1960).

Due process does not require a rule that leaves the Commission impotent to act to protect the public health, safety, or interest, while its decision is being challenged by affected parties. *Hodel* v. *Virginia Surface Mining and Reclamation Ass'n*, 452 U.S. 264, 299–302 (1981); *Ewing* v. *Mytinger & Casselberry, Inc.*, 339 U.S. 594, 599–600 (1950); *North American Cold Storage Co.* v. *Chicago*, 211 U.S. 306 (1908). Due process requires only that an opportunity be granted at a meaningful time and in a meaningful manner for a hearing appropriate to the nature of the case. *Logan* v. *Zimmerman Brush Co.*, 455 U.S. 422, 437 (1982); *Mathews* v. *Eldridge*, 424 U.S. 319 (1976). What is meaningful depends on appropriate accommodation of the competing interests involved. These include the importance of the private interest and the length of finality of the deprivation, the likelihood of governmental error, and the magnitude of the governmental interests involved. *Logan*, 455 U.S. at 434.

The Commission believes that the adequate evidence test strikes a reasonable balance between the government and the private interests in the circumstances of the rule. Where the public health, safety, or interest is threatened, the Commission must have the flexibility to that whatever protective action may be necessary, on as timely a basis as possible, without unnecessary administrative and procedural impediment. This consideration is paramount and any right to a prior hearing on the governmental action must give way to the government's need to act rapidly and effectively. In the Commission's judgment, the adequate evidence test meets these requirements. It provides the Commission with room to deal with threats to the public health, safety, and interest, and in cases of willful misconduct, on a timely basis while it provides protection against pre-hearing actions that are unsubstantially founded.

As to the suggestion to replace the adequate evidence test with a preponderance of the evidence standard, the Commission believes that the adequate evidence test allows protection of the public health, safety, or interest, while at the same time affords a substantial measure of protection to the entity that is the subject of the immediately effective order. As noted in part by another commenter, NUMARC, the preponderance of the evidence test would provide further protection to potentially affected parties, but the additional evidence that may be required to sustain action making an order immediately effective under that test could take additional time to collect and evaluate during which time a threat to the public health and safety could continue to exist and even increase. As further noted by NUMARC, if public health and safety is threatened, the bar against issuance of a stay during the fifteen-day period contemplated for deciding the challenge to immediate effectiveness is also reasonable. The adequate evidence test strikes a reasonable balance between the Commission's ability to protect the public health, safety, or interest on the basis of reasonably trustworthy information while still providing affected parties with a measure of protection against arbitrary enforcement action by the Commission.

In closing the discussion of this matter, it bears reminding that the

adequate evidence test is not a standard for determining the merits of an immediately effective order. The test is for use only upon challenge of immediate effectiveness at the outset of the proceeding, to protect the person or persons named in the order against having to comply with arbitrary staff action prior to a hearing on the merits. In other words, it serves merely as a preliminary procedural safeguard against the NRC staff's taking immediately effective action based on clear error, unreliable evidence, or unfounded allegations.

3. Delays in the Merits Proceeding

The provision allowing reasonable delays in the conduct of the proceeding on the merits of an immediately effective order was questioned. One commenter suggested that allowing such delays on the sole basis of a showing of good cause by the staff did not give adequate consideration to the due process rights of the affected persons. Adequate consideration of these rights, in the commenter's view, required, at a minimum, a showing of diligence in the investigation process or other proper justification for the delay. According to the commenter, these matters should be resolved by the presiding officer, not by the Commission. Another commenter questioned the appropriateness of allowing delays in the proceeding as applied to cases involving willfulness. The commenter suggested it was inappropriate for the Commission to allow an order that is devoid of health and safety considerations to become immediately effective and then to delay the proceeding to conduct further investigations to garner additional evidence in the matter.

The Commission agrees with the thrust of these comments to the effect that a grant of any delay in the proceeding should take into consideration not only the interests of the government but of the persons affected by the order as well. The rule is premised on that principle. It is contemplated that, under the rule, the presiding officer will grant a delay only if there is an overriding public interest for the delay. A prime example would be the temporary need to halt the proceeding where continuation would interfere with pending criminal investigation or jeopardize prosecution. The rule also contemplates that the presiding officer will monitor any delay to ensure that good cause continues to exists for the delay. The rule, as adopted, allows for proper consideration to be given to the public interest as well as the interests of the persons affected by the immediately effective order.

4. Need for Specific Time Limits for Reaching Decisions

As noted earlier, § 2.202(c)(2) of the proposed rule authorized a person to whom the Commission has issued an immediately effective order, in addition to demanding a hearing, to move to set aside the immediate effectiveness of the order. The proposed rule required the staff to respond within five days, after which the presiding Licensing Board or Administrative Judge was required to decide the motion expeditiously.

One commenter suggested the need for specific time limits for reaching a decision on a motion to set aside immediate effectiveness as well as the decision on the merits. As part of its deliberation on the proposed rule, the Commission reviewed the practicality of a fifteen-day deadline in the resolution of a motion to set aside immediate effectiveness. It concluded that such an inflexible rule would not be workable. The Commission decided instead that the rule should be without a fixed deadline, but that the rule should be accompanied by a strong direction that any motion to set aside immediate effectiveness would be resolved expeditiously, generally within fifteen days.

Upon reconsideration, the Commission adheres to its earlier view. The Commission believes that the rule without a fixed deadline for decision is necessary to provide presiding officers and the Commission with the necessary time to adjust to the number and complexity of the issues that may arise in the proceeding and that the Commission's expression of the need for expedition should operate to prevent unwarranted delays. Principally, for this reason, the Commission is leaving the proposed rule unchanged in this respect in this final rule. In leaving the rule flexible as to the time of decision, the Commission reemphasizes the critical importance for the expedited consideration and decision on immediately effective orders including any motions to set aside immediate effectiveness. Under 10 CFR 2.718, presiding officers have broad powers for regulating the conduct of proceedings and they are strongly reminded to use those powers to the fullest, with due regard to the rights of the parties, to accomplish the necessary expedition. In sum, the rule intends that the presiding officers will make every effort, utilizing whatever powers are available, to hear and decide challenges to immediately effective orders, including set aside motions, as expeditiously as possible. The Commission will also review and decide presiding officer decisions that set aside immediate effectiveness on an expedited basis.

Environmental Impact: Categorical Exclusion

The NRC has determined that this final rule is the type of action described in categorical exclusion 10 CFR 51.22(c)(1). Therefore, neither an environmental impact statement nor an environmental assessment has been prepared for this final rule.

Paperwork Reduction Act Statement

This final rule contains no information collection requirements and therefore is not subject to the requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.).

Regulatory Analysis

On August 15, 1991 (56 FR 40664), the Commission amended its rules of practice to make them more consistent with the Commission's existing statutory authority and to provide the Commission with the appropriate procedural framework to take action, in appropriate cases, in order to protect the public health and safety. The amendments also were to make clear the distinction between orders—e.g., directions to take or desist from taking certain actions—and demands for information. Only orders were to be made immediately effective and subject to hearing, consistent with existing regulations. Neither the preexisting regulations nor the amendments, however, contain provisions requiring that any hearing on an immediately effective order be conducted expeditiously. This rulemaking supplements the August 15 amendments by adding provisions directing the expeditious conduct of any hearing on an immediately effective order, but allowing delays in the conduct of such hearings in certain circumstances where good cause for delay is shown, and establishing a separate, informal procedure for dealing rapidly with challenges to the immediate effectiveness of such order.

This rule constitutes the preferred course of action and the cost involved in its promulgation and application is necessary and appropriate. The foregoing discussion constitutes the regulatory analysis for this rule.

Regulatory Flexibility Certification

As required by the Regulatory Flexibility Act of 1980 (5 U.S.C. 605(b)), the Commission certifies that this rule will not have a significant economic impact on a substantial number of small entities. The rule establishes the

procedural mechanism for dealing with orders that are made immediately effective. The rule, by itself, does not impose any obligations on entities including any regulated entities that may fall within the definition of "small entities" as set forth in section 601(3) of the Regulatory Flexibility Act, or within the definition of "small business" as found in section 3 of the Small Business Act, 15 U.S.C. 632, or within the Small Business Size Standards found in 13 CFR part 121. Such obligations would not be created until an order is issued, at which time the person subject to the order would have a right to a hearing in accordance with the regulations.

Backfit Analysis

The NRC has determined that the backfit rule, 10 CFR 50.109, does not apply to this final rule and, therefore, that a backfit analysis is not required for this final rule, because this rule does not involve any new provisions which would impose backfits as defined in 10 CFR 50.109(a)(1).

List of Subjects in 10 CFR Part 2

Administrative practice and procedure, Antitrust, Byproduct material, Classified information, Environmental protection, Nuclear materials, Nuclear power plants and reactors, Penalty, Sex discrimination, Source material, Special nuclear material, Waste treatment and disposal.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and 5 U.S.C. 552 and 553, the NRC is adopting the following amendments to 10 CFR part 2.

PART 2—RULES OF PRACTICE FOR DOMESTIC LICENSING PROCEEDINGS AND ISSUANCE OF ORDERS

1. The authority citation for part 2 continues to read as follows:

Authority: Secs. 161, 181, 68 Stat. 948, 953, as amended (42 U.S.C. 2201, 2231); sec. 191, as amended, Pub. L. 87–615, 76 Stat. 409 (42 U.S.C. 2241); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841); 5 U.S.C. 552.

Section 2.101 also issued under secs. 53, 62, 63, 81, 103, 104, 105, 68 Stat. 930, 932, 933, 935, 936, 937, 938, as amended (42 U.S.C. 2073, 2092, 2093, 2111, 2133, 2134, 2135); sec. 114(f), Pub. L. 97–425, 96 Stat. 2213, as amended (42 U.S.C. 10134(f)); sec. 102, Pub. L. 91–190, 83 Stat. 853, as amended (42 U.S.C. 4332); sec. 301, 88 Stat. 1248 (42 U.S.C. 5871). Sections 2.102, 2.103, 2.104, 2.105, 2.721 also issued under secs. 102, 103, 104, 105, 183, 189, 68 Stat. 936, 937, 938, 954, 955, as amended (42 U.S.C. 2132, 2133, 2134, 2135, 2233, 2239). Section 2.105 also issued under Pub. L. 97–415, 96 Stat. 2073 (42 U.S.C. 2239). Sections 2.200–2.206 also issued under secs. 161b, i, o, 182, 186, 234, 68 Stat. 948–951, 955, 83 Stat. 444, as amended (42 U.S.C. 2201(b), (i), (o), 2236, 2282); sec. 206, 88 Stat. 1246 (42 U.S.C. 5846). Sections 2.600–2.606 also issued under sec. 102, Pub. L. 91–190, 83 Stat. 853, as amended (42 U.S.C. 4332). Sections 2.700a, 2.719 also issued under 5 U.S.C. 554. Sections 2.754, 2.760, 2.770, 2.780 also issued under 5 U.S.C. 557. Section 2.764 and Table 1A of Appendix C also issued under secs. 135, 141, Pub. L. 97–425, 96 Stat. 2232, 2241 (42 U.S.C. 10155, 10161). Section 2.790 also issued under sec. 103, 68 Stat. 936, as amended (42 U.S.C. 2133) and 5 U.S.C. 552. Sections 2.800 and 2.808 also issued under 5 U.S.C. 553. Section 2.809 also issued under 5 U.S.C. 553 and sec. 29, Pub. L. 85–256, 71 Stat. 579, as amended (42 U.S.C. 2039). Subpart K also issued under sec. 189, 68 Stat. 955 (42 U.S.C. 2239); sec. 134, Pub. L. 97–425, 96 Stat. 2230 (42 U.S.C. 10154). Subpart L also issued under sec. 189, 68 Stat. 955 (42 U.S.C. 2239). Appendix A also issued under sec. 6, Pub. L. 91–560, 84 Stat. 1473 (42 U.S.C. 2135). Appendix B also issued under sec. 10, Pub. L. 99–240, 99 Stat. 1842 (42 U.S.C. 2021b et seq.).

2. In § 2.202, paragraph (c) is revised to read as follows:

§ 2.202 Orders.

* * * * *

(c) If the answer demands a hearing, the Commission will issue an order designating the time and place of hearing.

(1) If the answer demands a hearing with respect to an immediately effective order, the hearing will be conducted expeditiously, giving due consideration to the rights of the parties.

(2) (i) The licensee or other person to whom the Commission has issued an immediately effective order may, in addition to demanding a hearing, at the time the answer is filed or sooner, move the presiding officer to set aside the immediate effectiveness of the order on the ground that the order, including the need for immediate effectiveness, is not based on adequate evidence but on mere suspicion, unfounded allegations, or error. The motion must state with particularity the reasons why the order is not based on adequate evidence and must be accompanied by affidavits or other evidence relied on. The NRC staff shall respond within (5) days of the receipt of the motion. The motion must be decided by the presiding officer expeditiously. During the pendency of the motion or at any other time, the presiding officer may not stay the immediate effectiveness of the order, either on its own motion, or upon motion of the licensee or other person. The presiding officer will uphold the immediate effectiveness of the order if it finds that there is adequate evidence to support immedate effectiveness. An order upholding immediate effectiveness will constitute the final agency action on immedate effectiveness. An order setting aside immediate effectiveness will be referred promptly to the Commission itself and will not be effective pending further order of the Commission.

(ii) The presiding officer may, on motion by the staff or any other party to the proceeding, where good cause exists, delay the hearing on the immediately effeective order at any time for such periods as are consistent with the due process rights of the licensee and other affected parties.

* * * * *

Dated at Rockville, Maryland, this 6th day of May 1992.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc 92–11090 Filed 5–11–92; 8:45 am]

BILLING CODE 7590–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 91–NM–209–AD; Amendment 39–8251; AD 92–06–05 R1]

Airworthiness Directives; British Aerospace Model DH/BH/HS/BAe 125 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule, revision.

SUMMARY: This amendment revises information in an existing airworthiness directive (AD), applicable to certain British Aerospace Model DH/BH/HS/BAe 125 series airplanes, that requires inspections of the nose landing gear (NLG) bay sidewalls to detect damage and cracks, and repair, if necessary. This action corrects a typographical error in the applicability statement of the AD.

DATES: Effective April 21, 1992.

The incorporation by reference of certain publications listed in the regulations was previously approved by the Director of the Federal Register as of April 21, 1992 (57 FR 9170, March 17, 1992).

ADDRESSES: The service information referenced in this AD may be obtained from British Aerospace, PLC, Librarian for Service Bulletins, P.O. Box 17414, Dulles International Airport, Washington, DC. 20041–0414. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules

Docket, 1601 Lind Avenue SW., Renton, Washington; or at the Office of the Federal Register, 1100 L Street NW., room 8401, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. William Schroeder, Aerospace Engineer, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055–4056; telephone (206) 227–2148; fax (206) 227–1320.

SUPPLEMENTARY INFORMATION: On February 21, 1992, the FAA issued AD 92–06–05, Amendment 39–8185, which was published in the Federal Register on March 17, 1992 (57 FR 9170). That AD is applicable to certain British Aerospace Model DH/BH/HS/BAe 125 series airplanes, and requires inspections of the nose landing gear (NLG) bay sidewalls to detect damage and cracks, and repair, if necessary. That action was prompted by reports of fatigue cracks found in an NLG sidewall. The requirements of the AD are intended to prevent reduced structural integrity of the fuselage and subsequent decompression of the airplane.

Since issuance of that AD, the FAA has discovered a typographical error in the applicability statement of the final rule as published. The applicability of the rule should include all Model DH/BH/HS/BAe 125 series airplanes, except the Model BAe 125–1000A series. Although the applicability was stated correctly in the notice that preceded the final rule, the phrase indicating the exclusion of the Model BAe 125–1000A was inadvertently omitted from the applicability statement of the final rule. With this inadvertent omission of the excluded model, the applicability of the current rule incorrectly applies to all models, and places an unnecessary burden upon operators whose aircraft are not subject to the addressed unsafe condition. Therefore, the applicability statement of the rule has been revised to exclude Model BAe 125–1000A series airplanes.

Since this action only corrects a typographical error in a final rule, it has no adverse economic impact and imposes no additional burden on any person. This revision does not change the economic impact information pertaining to this AD action from what was presented in the preamble to the previously-issued final rule.

Further, since the correct provisions of this rulemaking action have been subject previously to public notice and comment procedures, the FAA finds that additional time for such procedures hereon are unnecessary.

The revised final rule is being reprinted in its entirety (as follows) for the convenience of affected operators.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 14 CFR part 39 of the Federal Aviation Regulation as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39–8185 (57 FR 9170, March 17, 1992), and by adding a new airworthiness directive (AD), amendment 39–8251, to read as follows:

92–06–05 R1. British Aerospace: Amendment 39–8251. Revises amendment 39–8185, AD 92–06–05. Docket 91–NM–209–AD.

Applicability: Model DH/BH/HS/BAe 125 series airplanes, except Model BAe 125–1000A series airplanes, certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent reduced structural integrity of the fuselage and subsequent decompression of the airplane, accomplish the following:

(a) Prior to the accumulation of 4,000 landings, or within 60 days after the effective date of this AD, whichever occurs later, accomplish the following in accordance with British Aerospace Service Bulletin 53–73, Revision 2, dated May 18, 1991:

(1) Perform a visual inspection of the nose landing gear (NLG) bay left and right sidewalls to detect the presence of washers or spotface under nuts.

(i) If no spotface is found, perform a visual inspection to detect damage to the web caused by nuts or washers.

(ii) Blend out any damage found, excluding cracking, prior to further flight.

(2) Perform either a dye penetrant or eddy current inspection to detect cracks on the NLG bay left and right sidewalls. If cracks are found, repair prior to further flight, in a manner approved by the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate.

(b) An alternate method of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate. The request shall be forwarded through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Standardization Branch, ANM–113.

(c) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

(d) The inspections shall be done in accordance with British Aerospace Service Bulletin 53–73, Revision 2, dated May 18, 1991. This incorporation by reference was previously approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51 as of April 21, 1992 (57 FR 9170, March 17, 1992). Copies may be obtained from British Aerospace, PLC, Librarian for Service Bulletins, P.O. Box 17414, Dulles International Airport, Washington, DC 20041–0414. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington; or at the Office of the Federal Register, 1100 L Street NW., room 8401, Washington, DC.

(e) This amendment is effective April 21, 1992.

Issued in Renton, Washington, on April 28, 1992.

N. B. Martenson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92–11116 Filed 5–11–92; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 176

[Docket No. 89F-0178]

Indirect Food Additives: Paper and Paperboard Components

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the expanded use of ethanedial, polymer with tetrahydro-4-hydroxy-5-methyl-2(1H)pyrimidinone, propoxylated as an insolubilizer for starch-based coatings in the production of paper and paperboard in contact with aqueous and fatty food. This action is in response to a petition filed by Sequa Chemicals.

DATES: Effective May 12, 1992; written objections and requests for a hearing by June 11, 1992.

ADDRESSES: Written objections may be sent to the Dockets Management Branch (HFA-305), Food and Drug Administration, rm. 1-23, 12420 Parklawn Dr., Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Hortense Macon, Center for Food Safety and Applied Nutrition (HFF-335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-254-9500.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of June 7, 1989 (54 FR 24425), FDA announced that a food additive petition (FAP 9B4134) had been filed by Sequa Chemicals, One Sequa Dr., Chester, SC 29706-0070, proposing that § *176.170 Components of paper and paperboard in contact with aqueous and fatty foods* (21 CFR 176.170) be amended to provide for the expanded use of ethanedial, polymer with tetrahydro-4-hydroxy-5-methyl-2 (1H) pyrimidinone, propoxylated as an insolubilizer for starch-based coatings in the production of paper and paperboard in contact with aqueous and fatty food.

FDA has evaluated data in the petition and other relevant material. The agency concludes that the proposed increase in the permitted level of the food additive from the current 0.2 percent to 5.0 percent by weight of the coating solids is safe and that the regulations should be amended by revising the entry for ethanedial, polymer with tetrahydro-4-hydroxy-5-methyl-2 (1H) pyrimidinone, propolylated in § 176.170(b)(2) as set forth below.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Center for Food Safety and Applied Nutrition by appointment with the information contact person listed above. As provided in 21 CFR 171.1(h), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has carefully considered the potential environmental effects of this action. FDA has concluded that the action will not have a significant impact on the human environment, and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding, contained in an environmental assessment, may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

Any person who will be adversely affected by this regulation may at any time on or before June 11, 1992 file with the Dockets Management Branch (address above) written objections thereto. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this document. Any objections received in response to the regulation may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 176

Food additives, Food packaging.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Director of the Center for Food Safety and Applied Nutrition, 21 CFR part 176 is amended as follows:

PART 176—INDIRECT FOOD ADDITIVES: PAPER AND PAPERBOARD COMPONENTS

1. The authority citation for 21 CFR part 176 continues to read as follows:

Authority: Secs. 201, 402, 406, 409, 706 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 342, 346, 348, 376).

2. Section 176.170 is amended in the table in paragraph (b)(2) by revising the entry for "Ethanedial, polymer with * * *" under the headings "List of Substances" and "Limitations" to read as follows:

§ 176.170 Components of paper and paperboard in contact with aqueous and fatty foods.

* * * * *

(b) * * *

(2) * * *

List of substances	Limitations
* * *	* *
Ethanedial, polymer with tetrahydro-4-hydroxy-5-methyl-2 (1H) pyrimidinone, propoxylated (CAS Reg. No. 118299-90-4).	For use only as an insolubilizer for starch-based coatings and limited to use at a level not to exceed 5.0 percent by weight of the coating.
* * *	* *

* * * * *

Dated: May 4, 1992.

Fred R. Shank,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 92-11004 Filed 5-11-92; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

24 CFR Part 20

[Docket No. R-92-1605; FR-3120-F-01]

RIN 2501-AB28

Technical Amendments to the Board of Contract Appeals Regulations

AGENCY: Office of the Secretary, HUD.

ACTION: Final rule.

SUMMARY: This final rule revises two of the Department's regulations covering the HUD Board of Contract Appeals. The first revision corrects the address and telephone number of the Board. The second revision changes one of the Board's procedural rules to permit the

filing and service of papers by facsimile transmission. This change will allow parties to actions before the Board to take advantage of current technology in filing required papers in a timely manner.

EFFECTIVE DATE: June 11, 1992.

FOR FURTHER INFORMATION CONTACT: David T. Anderson, Chairman, HUD Board of Contract Appeals, room 2131, 451 Seventh Street, SW., Washington DC 20410. Telephone number: (202) 927–5110, or (202) 708–9300 (TDD; Federal Information Relay Service). (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION:

Justification for Final Rulemaking

In general, the Department publishes a rule for public comment before issuing a rule for effect, in accordance with its own regulations on rulemaking, 24 CFR part 10. However, under part 10 notice and public procedure may be omitted for rules governing the Department's own internal practices or procedures. Because the revisions in this rule merely set out the current address and telephone number of the Department's Board of Contract Appeals and permit the filing and serving of papers by facsimile transmission, the Department is not seeking comment on these revisions.

This Final Rule

This rule is being issued to update the address and telephone number for the Department's Board of Contract Appeals, as it appears in the regulations governing the Board at 24 CFR part 20. In addition, Rule 16 of the Board's rules of procedure, set out in 24 CFR 20.10, is being revised to permit the filing and service of papers other than subpoenas by facsimile transmission. However, if a party elects to file or serve papers by facsimile transmission, the party must also promptly mail or serve the original document in the same manner that is currently specified in the rule. This change will allow parties to actions before the Board to take advantage of current technology in filing or serving required papers in a timely manner.

Other Matters

Major Rule

This rule would not constitute a "major rule" as that term is defined in section 1(b) of the Executive Order on Federal Regulations issued by the President on February 17, 1981. An analysis of the rule indicates that it would not (1) have an annual effect on the economy of $100 million or more; (2) cause a major increase in costs or prices for consumers, individual industries, federal, state, or local government agencies, or geographic regions; or (3) have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act.

The Secretary, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this rule before publication and by approving it certifies that this rule would not have a significant economic impact on a substantial number of small entities. The rule is limited to revising the regulations of the Board of Contract Appeals so that the regulations state the Board's current address and permit the filing and serving of papers by facsimile transmission.

Executive Order 12612, Federalism

The General Counsel, as the Designated Official under section 6(a) of Executive Order 12612, *Federalism*, has determined that the policies contained in this rule will not have substantial direct effects on states or their political subdivisions, or the relationship between the federal government and the states, or on the distribution of power and responsibilities among the various levels of government. As a result, the rule is not subject to review under the order. The rule is limited to technical revisions of the regulations of the Board of Contract Appeals that merely set out the Board's current address and permit the filing and serving of papers by facsimile transmission.

Executive Order 12606, the Family

The General Counsel, as the Designated Official under Executive Order 12606, the Family, has determined that this rule would not have potential for significant impact on family formation, maintenance, and general well-being, and, thus, is not subject to review under the Order. No significant change in existing HUD policies or programs will result from promulgation of this rule, as those policies and programs relate to family concerns.

This rule was listed as Item No. 1113 in the Department's Semiannual Agenda of Regulations published on April 27, 1992 (57 FR 16816) in accordance with Executive Order 12291 and the Regulatory Flexibility Act.

List of Subjects in 24 CFR Part 20

Administrative practice and procedure, Government contracts, Organization and functions (Government agencies).

For the reasons stated in the preamble, part 20 of title 24 of the Code of Federal Regulations is amended as follows.

PART 20—BOARD OF CONTRACT APPEALS

1. The authority citation for part 20 is revised to read as follows:

Authority: 41 U.S.C. 601–613; 42 U.S.C. 3535(d).

2. Section 20.3(a) is revised to read as follows:

§ 20.3 Organization and location of the Board.

(a) *Location.* The Board's address is U.S. Department of Housing and Urban Development, Board of Contract Appeals, room 2131, 451 Seventh Street, SW., Washington, DC 20410–0001. The telephone number is (202) 927–5110. (This is not a toll-free number.)

* * * * *

3. Section 20.10 is amended by revising Rule 16 to read as follows:

§ 20.10 Rules.

* * * * *

Preliminary Procedures

* * * * *

Rule 16 Filing and Service of Papers Other Than Subpoenas

Papers shall be considered filed with the Board when mailed or otherwise furnished to the Board. Papers shall be served upon parties personally or by mail, addressed to the party upon whom service is to be made. Timely filing and service by facsimile transmission (telecopier) is permissible provided that the original telecopied document is promptly mailed or served thereafter in the manner specified by this rule. Except as provided in rule 4(a), the party filing any paper with the Board shall simultaneously serve a copy of the paper upon the opposing party, and shall file a certificate of service with the Board indicating that a copy has been so served. Subpoenas shall be served as provided in rule 21.

* * * * *

Dated: April 30, 1992.

Jack Kemp,

Secretary.

[FR Doc. 92–10995 Filed 5–11–92; 8:45 am]

BILLING CODE 4210–32–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 80

[FRL-4130-8]

Colorado Petition To Relax the Colorado Reid Vapor Pressure Standard

AGENCY: Environmental Protection Agency (EPA).

ACTION: Temporary direct final rule.

SUMMARY: In today's action, EPA is issuing a temporary direct final rule requiring that gasoline introduced into commerce in the Denver-Boulder nonattainment area during the high ozone season of 1992, which extends from June 1, 1992 to September 15, 1992, be subject to a volatility (RVP) standard of 9.0 pounds per square inch (psi). This action temporarily postpones the 7.8 psi volatility standard applicable to gasoline introduced into commerce in the Denver-Boulder ozone nonattainment area that was scheduled to take effect on June 1, 1992.

In a separate action published today, EPA is concurrently proposing to approve the State of Colorado's petition to relax the federal volatility standard applicable in the Denver-Boulder ozone nonattainment area from 7.8 psi to 9.0 psi until 1994. EPA believes that it will be unable to take final action on this proposed revision by June 1, 1992. EPA believes that implementation of the 7.8 psi standard pending final action on the petition would impose needless costs and that any final action taken this summer would leave too little lead time to allow compliance during the upcoming high ozone season. Therefore, EPA is issuing this temporary final rule requiring that any gasoline introduced into commerce in the Denver-Boulder nonattainment area from June 1, 1992 to September 15, 1992 have a RVP of no greater than 9.0 psi. This action temporarily postpones the 7.8 psi volatility standard with regard to the Denver-Boulder ozone nonattainment area.

EPA finds that it has good cause under section 553(b)(B) of the Administrative Procedure Act (APA) to promulgate this temporary rule without prior notice and comment because of the timing and cost concerns discussed below.

EFFECTIVE DATE: This temporary final rule is effective on May 12, 1992.

ADDRESSES: Materials relevant to this notice have been placed in Docket A-92-08. The docket is located at the Air Docket Section (LE-131), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, in room M-1500 Waterside Mall. Documents may be inspected from 8:30 a.m. to 12 noon and from 1:30 p.m. to 3:30 p.m. A reasonable fee may be charged for copying docket material.

FOR FURTHER INFORMATION CONTACT: Mr. Alfonse Mannato, U.S. Environmental Protection Agency Office of Air and Radiation, 401 M Street, SW. (EN-397-F), Washington, DC 20460, (202) 260-9040.

SUPPLEMENTARY INFORMATION:

I. Background

On August 19, 1987, EPA proposed a two-phase national program to reduce summertime gasoline volatility.[1] EPA had found that gasoline had become increasingly volatile, which in turn caused an increase in evaporative hydrocarbon emissions from gasoline-powered sources. These emissions are volatile organic compounds (VOCs), which are a precursor in the formation of ozone. Ozone formation is greatest during the summer months because the chemical reactions involved rely on direct sunlight and high ambient temperatures.

On June 11, 1990, EPA promulgated national standards for Phase II of this program.[2] In the case of Colorado, the Phase II rule established a federal volatility standard of 9.0 psi for the month of May and 7.8 psi for June 1 through September 15, beginning in 1992.[3]

Congress established somewhat different requirements for the fuel volatility program in the Clean Air Act Amendments of 1990. Section 211(h) of the Act, as amended, specifies that all attainment areas shall have an RVP standard of 9.0 psi during the high ozone season, as defined by the Administrator. It further provides that EPA shall establish more stringent RVP standards in nonattainment areas if EPA finds such standards are "necessary to achieve comparable evaporative emissions reductions, on a per vehicle basis, in such areas, taking into consideration the enforceability of such standards, the need of an area for emission control, and economic factors." The Act also allows EPA to impose an RVP standard lower than 9.0 psi in any former ozone nonattainment area which is redesignated as being in attainment.

On May 29, 1991, EPA published a Notice of Proposed Rulemaking to modify the Phase II summer ozone volatility standard to reflect new section 211(h) of the Act.[4] In this notice, EPA proposed that the RVP standard should be 9.0 psi in all attainment areas where it was not already in place, beginning in 1992. For areas designated as nonattainment, EPA proposed that the original Phase II standards published on June 11, 1990 should not be changed.

On November 6, 1991, EPA issued its ozone nonattainment designations, pursuant to section 107(d)(1)(C) of the Act. In the November 6, 1991 notice, EPA designated the Denver-Boulder nonattainment area as a Transitional Area. As defined under section 185A of the Act, a transitional area is "an area designated as an ozone nonattainment area as of the date of enactment of the Clean Air Act Amendments of 1990 [that] has not violated the national primary ambient air quality standard [NAAQS] for ozone for the 36-month period commencing on January 1, 1987, and ending on December 31, 1989." Under section 185A, the Administrator is to determine by June 30, 1992, whether the area attained the NAAQS for ozone by December 31, 1991. If the area is determined to have attained the standard, the state must submit a maintenance plan within one year to assure continued attainment.

On December 12, 1991, EPA finalized the modifications to the Phase II volatility rules.[5] As transitional areas are considered nonattainment areas under the Act, the final Phase II rules did not distinguish between transitional areas and other nonattainment areas. Because the designation of the Denver-Boulder nonattainment area's transitional status was not known until well after the close of the comment period and after EPA has completed its development of the final Phase II rule, the Agency thus was not in a position to promulgate a 9.0 psi standard for the Denver-Boulder area as part of the Phase II rule. It therefore finalized the 7.8 psi standard for that area, as proposed. Under the Phase II rule, it is unlawful from June 1 to September 15, beginning in 1992, for any person to sell, offer for sale, dispense, supply, offer for supply, transport, or otherwise introduce into commerce gasoline that has a RVP above 7.8 psi in the Denver-Boulder nonattainment area. In all other areas of Colorado, gasoline is subject to a 9.0 psi standard from June 1 to September 15.

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[1] 52 FR 31274 (August 18, 1987).

[2] 54 FR 23658 (June 11, 1990).

[3] Standards for Phase I of the program were promulgated in 54 FR 11868 (March 22, 1989) and were in effect from June 1 through September 15 in the years 1989, 1990 and 1991.

[4] 56 FR 24242 (May 29, 1991).

[5] 56 FR 64704 (December 12, 1991).

As stated in the preamble for the Phase II volatility controls [6] and reiterated in the proposed change to the volatility standards that was published on May 29, 1991,[7] EPA relies on states to initiate changes to the EPA volatility program in order to enhance local air quality and/or increase the economic efficiency of the program, within the statutory limits. The Governor of a state may petition EPA for a less stringent volatility standard for some month or months. If the state can demonstrate the existence of (1) particular local economic impact that makes the less stringent standard appropriate and (2) sufficient alternative programs to achieve attainment and maintenance of the ozone National Ambient Air Quality Standards (NAAQS), and if EPA finds that the less stringent standard is consistent with the requirements of section 211, EPA will grant the petition.

II. EPA's Proposal To Grant Colorado's Petition

On October 16, 1991, Colorado Governor Roy Romer petitioned EPA to amend the federal RVP standards for the Denver-Boulder ozone nonattainment area. Specifically, the petition requested that the 7.8 psi standard be relaxed to 9.0 psi for 1992 and 1993. Governor Romer's petition indicated that the Denver-Boulder nonattainment area was going to be classified as a transitional area, establishing that it had not violated the National Ambient Air Quality Standard (NAAQS) for ozone from January 1, 1987 to December 31, 1989. The petition also included testimony from a Colorado Air Quality Control Commission (CAQC) public hearing indicating that the Denver-Boulder area had not violated the NAAQS for ozone in 1990 or 1991, up to the date of the hearing. The petition indicated, moreover, that the 7.8 psi standard would have significant cost effects, if implemented. According to information presented in the petition, the projected local cost of meeting the 7.8 psi standard, as compared to meeting a standard of 9.0 psi, would be $10 – $20 million over 1992 and 1993. One refiner testified that its capital cost for meeting the standard would be $4,800,000.

In a concurrent action published today in the **Federal Register**, EPA is proposing to grant Governor Romer's petition to relax until 1994 the RVP standard applicable to gasoline introduced into commerce from June 1 to September 15 in the Denver-Boulder nonattainment area from 7.8 psi to 9.0 psi.[8] Based upon the information presented and referenced in that proposal, EPA believes that the proposed action is justified. Section 211(h) of the Act requires EPA to promulgate regulations that shall establish RVP standards in a nonattainment area that are more stringent than 9.0 psi "as the Administrator finds necessary to generally achieve comparable evaporative emissions (on a per-vehicle basis) in nonattainment areas taking into consideration the enforceability of such standards, the need of an area for emission control, and economic factors."

The petition has sufficiently demonstrated that retention of the 7.8 psi standard would impose significant costs on consumers and industry relative to a 9.0 psi standard, and that the 7.8 psi standard is not necessary for emission control at this time, in light of the current transitional status of the Denver-Boulder area and in light of the fact that the Denver-Boulder nonattainment area has not violated the NAAQS for ozone since 1984.

III. Temporary Direct Final Rule Establishing a Volatility Standard of 9.0 psi for the 1992 Control Period

For the reasons set forth below, EPA believes that it will not be able to issue the proposed revision to its regulations in final form by June 1, 1992. If no final revision is issued by June 1, the 7.8 psi standard will go into effect automatically. As explained in the concurrent proposal, EPA believes that refiners and others subject to the 7.8 psi standard will have to make costly modifications to their operations to meet the 7.8 psi standard. If EPA does not issue a final rule by June 1, those people subject to the 7.8 psi standard in the Denver-Boulder area will be forced to implement those modifications that EPA is currently proposing to obviate. Because EPA believes that imposition of the 7.8 psi standard in the Denver-Boulder nonattainment area during the rulemaking period would cause a needless economic burden, EPA has decided to postpone the implementation of the 7.8 psi standard with regard to the Denver - Boulder nonattainment area from June 1, 1992 to September 15, 1992. By that time, EPA will be able to take final action regarding the proposed revisions in a manner that will provide those persons subject to these regulations adequate time to comply with them.

EPA is therefore promulgating this temporary direct final rule under section 211(h) and 40 CFR 80.27 requiring that no person sell, offer for sale, dispense, supply, offer for supply, transport, or otherwise introduce gasoline that has a RVP of greater than 9.0 psi into commerce in the Denver-Boulder area from June 1, 1992 to September 15, 1992.

Under the circumstances, EPA is authorized to issue this temporary final rule without notice and comment rulemaking. Clean Air Act section 307(d)(1) requires EPA to follow specified rulemaking procedures in promulgating regulations under section 211(h). Section 307(d) provides, however, that notice and comment rulemaking requirements "shall not apply in the case of any rule or circumstance referred to in subparagraph (A) or (B) of subsection 553(b) of title 5 of the United States Code [*i.e.* sections 553(b) (A) and (B) of the APA]." Under APA section 553(b)(B), notice and comment are not required "when the agency for good cause finds (and incorporates the finding and a brief statement of reasons therefor in the rules issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest."

EPA finds that there is good cause under APA section 553(b)(B) to issue this temporary direct final rule without notice and comment. The requirements of notice and public procedure for this rule would be impracticable, unnecessary, and contrary to the public interest. As explained below, EPA believes that it would be impossible for EPA to take final action on the proposed revisions by June 1, 1992 in accordance with the procedural requirements of section 307(d). Allowing the 7.8 psi standard to take effect before the Agency rules on Colorado's petition would, however, impose significant and probably needless costs on those parties subject to the standard. EPA believes such a result to be unnecessary from the standpoint of protecting public health and contrary to the public interest in view of its significant economic costs.

The temporary rule shall extend from June 1, 1992 to September 15, 1992. As discussed below, a temporary rule of shorter duration would likely expire before final action could be taken on the proposed revisions. Furthermore, a temporary rule of shorter duration would not take into account the fact that the parties subject to the standard need considerable lead time to implement a standard of 7.8 psi.

[6] The Phase II final rulemaking established procedures by which states could petition EPA for more or less stringent volatility standards. 55 FR 23660 (June 11, 1980).

[7] 56 FR 24242 (May 29, 1991).

[8] Beginning in 1994, the RVP standard will be 7.8 psi, unless additional action by the State of Colorado is taken to request an extension of the 9.0 psi standard.

1. Procedural Requirements

In promulgating regulations pursuant to Clean Air Act section 211(h), EPA is subject to the procedural requirements of section 307(d). Under that section, EPA must publish a proposed rule in the **Federal Register** accompanied by a statement of basis and purpose. The Agency must then provide an opportunity for oral presentation of data and arguments in response to the proposed rule. Under the Federal Register Act (44 U.S.C. 1508), such a public hearing cannot take place less than fifteen days after the publication of the proposal. Section 307(d) provides that EPA must then allow the public thirty days after the hearing to submit written comments. It further provides that the Agency's final rule must be accompanied by a statement of basis and purpose, an explanation of any changes from the proposal and a response to each of the significant comments.

Assuming that the notice of proposed rulemaking is published in the **Federal Register** on May 12, 1992, and assuming that a hearing is requested, the comment period for the proposed revision would not end until June 26, 1992. After the close of the comment period, the Agency would need at least 45 days to evaluate and respond to comments, prepare a final rule and go through internal review procedures. Interagency review would require another month. Under special procedures, final publication in the **Federal Register** could occur within five days of the Administrator signing the rule. Thus, an expedited rulemaking process could result in final publication in the **Federal Register** no earlier than approximately September 15. Moreover, this schedule does not take into account unexpected problems that may cause the publication date to be delayed beyond September 15.

2. Lead Time

EPA has conducted several discussions with persons subject to the volatility regulations in the Denver-Boulder nonattainment area regarding the length of time they require to implement the 7.8 psi standard. Results from these discussions indicate that from the time that refiners begin to make the necessary changes to the refining process, it would take approximately three months for gasoline with a volatility level of 7.8 psi to reach retail outlets. Refiners need several weeks to change their operations in order to produce such gasoline and to fill their tanks with the 7.8 psi gasoline. Additionally, it would take approximately six to eight additional weeks for the pipelines that supply the Denver-Boulder nonattainment area to deplete their supply of noncomplying gasoline and send the complying gasoline to Denver-Boulder. (*See* Memorandum to Docket from Michael Ball, EPA Field Operations and Support Division, re: Survey of Refiners and Distributors in the Denver-Boulder area.) Given the need for three months of lead time, if the temporary rule issued today were to expire any time after June 15, 1992 but before the end of the high ozone season, refiners, distributors and retail salespeople would not be able to modify their operations in time to ensure that 7.8 psi gasoline would be available during the remainder of the high ozone season. As explained above, EPA cannot complete a notice and comment rulemaking by June 15, 1992. While the Agency may be able to complete the rulemaking before September 15, if EPA decided to retain the 7.8 psi standard, it would be impracticable for persons then made subject to that standard to comply with that standard by the end of the ozone season.

Refiners and intermediate distributors could prepare for the implementation of a 7.8 psi standard before the end of the high ozone season by making the necessary operational changes in enough time before the expiration of the temporary rule. However, today's temporary final rule is specifically intended to forestall the need for refiners and distributors to make these costly changes before EPA decides whether or not to grant Colorado's petition. It would make little sense to relieve them of the costs of compliance with a probably needless standard at the beginning of the control period, only to require them to incur such costs at the end of the control period merely because EPA was unable to promulgate a final rule by the expiration of the temporary rule. For instance, if this temporary rule were to expire on September 1, then refiners would have to begin revising their operations in late June in order to ensure that their retail distributors are stocked with 7.8 RVP gasoline on September 1. This would force those subject to the regulations (and ultimately, to some extent, consumers) to incur the same probably needless costs that the proposed revisions are designed to prevent. Yet the environment would get little benefit from lower RVP fuel being sold for only fifteen days, especially given the recent ozone attainment performance in the Denver-Boulder nonattainment area. Allowing the temporary rule to expire before the end of the control period would thus be unnecessary to protect public health and contrary to the public interest in cost-beneficial regulations.

3. Information Unavailable During Comment Period

Additionally, it should be noted that EPA's proposed decision to grant the petition by Governor Romer is based in part on information that was not available during the comment period for the notice of proposed rulemaking that set the Phase II RVP standards authorized under section 211(h) of the Act. That comment period ended on July 17, 1991. At that time, the state of Colorado could not determine whether the Denver-Boulder nonattainment area would be in compliance with the ozone NAAQS in 1991. This determination is critical to EPA's final determination under section 185A as to whether a transitional area is in attainment. During the August 15, 1991 CAQC hearing, which was, in large part, the basis for the Governor's petition, the state noted that its latest information showed the Denver-Boulder area to be in attainment for 1991. However, attainment through the remainder of 1991 could not be verified until at least the end of 1991. EPA's preliminary information indicates that the Denver-Boulder area did attain the standard in 1991, and EPA is required to make an official finding by June 30, 1992.

The information Colorado needed to seek a change to the 7.8 psi standard proposed for the Denver-Boulder area was thus not available until long after the close of the comment period for the Phase II rulemaking that ultimately promulgated the standard.

As described above, the notice of proposed rulemaking implementing the Phase II requirements stated that EPA would rely on states to initiate changes to the RVP program based on local concerns through petitions from the governor. Governor Romer submitted the petition on October 16, 1991, in accordance with EPA's directive, even before the revised Phase II regulations had been finalized. Unfortunately, after its initial review of the petition, the Agency found that the petition contained incomplete information regarding the effect that granting the petition would have on the air quality and economy of the Denver-Boulder nonattainment area. EPA notified the state that the information initially provided was insufficient for the Agency to reach a decision regarding the merits of the petition and that more information was needed. Subsequently, EPA received supplementary information from the state. In addition, EPA reviewed and evaluated its own

information regarding the impact that a relaxation of the volatility standard from 7.8 psi to 9.0 psi would have on the economy and air quality of the area, including preliminary air quality information regarding whether the Denver-Boulder area had attained the NAAQS for ozone by December 31, 1991. After gathering and evaluating this information, the Agency made its decision to propose that this petition be granted. The decision then went through an expedited internal review and rulemaking procedure in order to complete this rulemaking as soon as possible.

4. Conclusion

For the reasons set forth above, EPA finds that a temporary final rule requiring a 9.0 psi volatility standard for gasoline introduced into commerce in the Denver-Boulder area from June 1, 1992 to September 15, 1992 is justified and in the public interest and that use of notice and comment procedures to promulgate this temporary rule would be impracticable and contrary to the public interest.

IV. Effective Date

The temporary final rule is effective on the date of publication in the **Federal Register**. Section 307(d) of the Clean Air Act does not address how soon after promulgation regulations can take effect. The requirements of the APA therefore govern. Section 553(d) of the Act requires that a substantive rule be published not less than thirty days before its effective date unless it falls under one of three exceptions. EPA believes that the action being taken in this rulemaking falls under the first and third exceptions.

Under the first exception, the thirty-day requirement may be waived for "a substantive rule which grants or recognizes an exemption or relieves a restriction." Under the third exception, the thirty-day requirement may be waived if the Agency publishes in the final rule a showing of good cause. The temporary final rule relieves affected parties in the Denver-Boulder nonattainment area from having to meet the volatility standard of 7.8 psi that would otherwise apply under 40 CFR 8027(a)(ii) from June 1, 1992 to September 15, 1992. The temporary final rule replaces the 7.8 psi standard with the 9.0 psi standard. Additionally, if this action were not effective for thirty days, then the 7.8 psi standard would actually become effective for approximately ten days at the beginning of June. As today's action is designed to postpone the effectiveness of the 7.8 psi standard, EPA finds good cause for today's action to take effect immediately.

V. Environmental Impact

The temporary final rule is not expected to have any adverse environmental effects. The Denver-Boulder six county nonattainment area has met the NAAQS since 1984. Air quality is expected to be further enhanced by a 9.0 psi standard, which represents a 0.5 psi reduction from current Phase I levels.

VI. Economic Impact

A one year relaxation of the 7.8 psi standard to 9.0 psi will result in a cost reduction in refining, and increase summertime gasoline supply levels. This translates into approximately a 1.1 cent per gallon cost savings to consumers at the pump.

VII. Administrative Requirements

Pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601 through 612, whenever an agency is required to publish a general notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis which describes the impact of the rule on small entities (i.e., small businesses, small organizations and small governmental jurisdictions). The Administrator may certify, however, that the rule will not have a significant impact on a substantial number of small entities. In such circumstances, a regulatory flexibility analysis is not required.

Under section 605 of the Regulatory Flexibility Act, I certify that these regulations will not have a significant impact on a substantial number of small entities. The regulatory revison should have positive economic impact. These regulations, therefore, do not require a regulatory flexibility analysis.

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement that a Regulatory Impact Analysis be prepared. Major regulations have an annual effect on the economy in excess of $100 million, have a significant adverse impact on competition, investment, employment or innovation, or result in a major price increase. This action does not constitute a major rule according to the established criteria. In fact, as discussed above, this action will reduce the cost of compliance with Federal requirements in this area. Therefore, I have determined that this action does not constitute a "major" rule.

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291. Any written comments from OMB and any EPA response to those comments have been placed in the public docket for this rulemaking.

Under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501, EPA must obtain OMB clearance for any activity that will involve collecting substantially the same information from 10 or more non-Federal respondents. This rule does not create any new information requirements or contain any new information collection activities.

The statutory authority for the action in this rule is granted to EPA by sections 114, 211, 301(a), and 307 of the Clean Air Act as amended (42 U.S.C. 7414, 7545, 7601(a), and 7607) and section 553 of the Administrative Procedure Act (5 U.S.C. 553).

List of Subjects in 40 CFR Part 80

Fuel additives, Gasoline, Labeling, Motor vehicle pollution, Penalties, and Reporting and record keeping requirements.

Dated: April 30, 1992.

William K. Reilly,

Administrator.

For the reasons set forth in the preamble, part 80 of title 40 of the Code of Federal Regulations is amended as follows:

PART 80—REGULATION OF FUELS AND FUEL ADDITIVES

1. The authority citation for part 80 continues to read as follows:

Authority: Sections 114, 211(c), 211(h), and 301(a) of the Clean Air Act as amended, 42 U.S.C. 7414, 7545(c), 7545(h), and 7601(a).

2. Section 80.27 is amended by revising the entry for "Colorado" in the table in paragraph (a)(2) to read as follows:

§ 80.27 Controls and prohibitions on gasoline volatility.

(a) * * *

(2) Applicable Standards[1] 1992 and Subsequent Years.

[1] Standards are expressed in pounds per square inch (psi).

State	May	June	July	August	September
* * * * * * * * * *					
Colorado [1]	9.0	7.8	7.8	7.8	7.8
* * * * * * * * * *					

[1] The standard for 1992 in the Denver-Boulder nonattainment area will be 9.0 for June 1 through September 15.

[FR Doc. 92-10980 Filed 5-11-92; 8:45am]
BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 61

[CC Docket No. 90-132, FCC No. 92-181]

800 Bundling

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This Memorandum Opinion and Order on Reconsideration grants in part and denies in part petitions for reconsideration of our rules adopted on August 1, 1991 governing the bundling of 800 and other inbound services with other services. The order concludes that the 800 bundling rules are overly narrow in some respects and overly broad in others, and modifies those rules accordingly. The effect of this order will be to better tailor our rules to promote competition in the long-distance marketplace and to provide customers with the flexibility to pursue the broadest range of service options.

EFFECTIVE DATE: April 17, 1992.

FOR FURTHER INFORMATION CONTACT: Andy Lachance, (202) 632-4047, or Gary Phillips, (202) 632-4047, Policy and Program Planning Division, Common Carrier Bureau.

SUPPLEMENTARY INFORMATION: On August 1, 1991, we adopted a Report and Order in FCC 91-251, released September 16, 1991, 56 FR 55235 (October 25, 1991), concluding our examination of the state of competition in the interstate interexchange marketplace and adapting our regulatory policies to reflect this competition. Eleven parties filed petitions for reconsideration of the Report and Order. Six petitions focused on our treatment of 800 and other inbound services. Because of the special significance of these issues and the need to address them promptly, we reconsider our treatment of 800 and other inbound services separately from the other issues raised by petitioners.

We conclude, first, that until 800 numbers are portable, future bundling by AT&T of any service with 800 inbound service using "old" 800 numbers (800 numbers that were in use by the customer on the day prior to the release of this order) is an unlawful practice under section 201(b) of the Communications Act. Second, we conclude that the bundling of 800 or inbound service that uses "new" 800 numbers (800 numbers not in use by the customer on the day prior to the release of this order), with proper safeguards, will not create a significant risk of anticompetitive effects and therefore is permissible. Third, we modify the grandfathering provision adopted in the Report and Order to apply to customers, rather than options. Thus, we allow the customers of Tariff 12s, Tariff 16s, or other tariffed offerings with bundled 800 or inbound service, to take service under their current arrangements, provided that the customer has signed a final contract for service or begun taking service on the day prior to the release of this order. In light of this change in the grandfathering provision, otherwise lawful modifications to service arrangements of grandfathered customers will be permitted. Fourth, we reaffirm our decision in the Report and Order to allow grandfathered customers to terminate service within ninety days of the time 800 numbers become portable without incurring any early termination liability.

We reject claims by Ad Hoc and AT&T that our decision to prohibit the bundling of 800 services is not supported in the record and is based on unsubstantiated economic theory. Our findings with respect to the competitiveness of 800 services were made in response to substantital record evidence. We found that some, so-called "captive," customers are unable to change their 800 number without incurring substantial costs, and that AT&T retains the ability to leverage market power in 800 and inbound services with respect to these customers through the inclusion of 800 or inbound services in contracts and Tariff 12s.

We agree with Ad Hoc and AT&T, however, that the prohibition fashioned in the Report and Order could be more narrowly tailored to remedy the problem posed by leveraging. We have found that leveraging is a significant risk with respect to "captive" 800 service customers—customers that are unable to change their 800 number without incurring substantial costs. Customers obtaining a new 800 number would rarely fall into this category.

We also find that the bundling prohibition adopted in the Report and Order, and modified here, should apply not only to contracts and Tariff 12s, but also to Tariff 16s and other bundled service offerings. To hold otherwise could negate our anti-bundling policy by allowing AT&T to funnel 800 and inbound service customers away from one offering and into other bundled arrangements. Moreover, the rationale used to support our prohibition of 800 and inbound bundling in the Report and Order is equally applicable to 800 and inbound bundling in Tariff 16s and other offerings.

In light of these findings, we modify the prohibition adopted in the Report and Order as follows: (1) Future bundling of "old" 800 numbers—that is, 800 numbers in use by the customer prior to the release of this order—with other services will be an unlawful practice under section 201(b) of the Communications Act until 800 number portability is available; and (2) we will allow AT&T to bundle 800 or inbound service in its contracts, Tariff 12s, Tariff 16s, and other offerings, so long as the 800 numbers were not in use by the customer taking such service, or any of its corporate affiliates, on the day prior to the release of this order.

In order to ensure that AT&T does not include traffic from any old 800 numbers retained by a customer in the bundled discounts it provides for traffic using the customer's new 800 numbers, we require AT&T to file with us a compliance affidavit, as well as reports identifying the customers taking bundled 800 service and their old and new 800 numbers. Specifically, AT&T must provide to us, with any new contract-based tariff, Tariff 12, Tariff 16, or other bundled offering that combines 800 or inbound service with other services, an affidavit signed by a corporate officer of AT&T indicating that AT&T will not: (1) Extend to old 800 numbers the rates applicable to lawfully bundled new 800 numbers; or (2) include, directly or indirectly, traffic from any old 800 numbers retained by the customer in the calculation of the rates applicable to a customer's new 800 number service associated with its bundled offering. In

addition, before any customer begins taking service under any contract-based tariff, Tariff 12, or Tariff 16, AT&T must file with the Common Carrier Bureau, a list of any old 800 numbers used by that customer and its affiliates, and the new 800 numbers for that customer. For each time a new customer takes any other tariffed service bundling 800 or inbound service, AT&T must within thirty days of the effective date of this order, and every thirty days thereafter until the bundling restriction is lifted, provide us any old 800 numbers used by each such customer and its affiliates, and the new 800 numbers used by each customer. AT&T may request confidential treatment of this information.

AT&T also challenges our decision to allow grandfathered customers to terminate service, without termination liability, within ninety days of the time 800 numbers become portable—the "fresh look" requirement. AT&T claims that, in adopting "fresh look," we violated the Administrative Procedure Act (APA) by failing to provide AT&T and other parties with adequate notice of and opportunity to comment on "fresh look." We disagree. The APA requires only that an agency include in its Notice of Proposed Rulemaking ("NPRM") "either the terms or substance of the proposed rule or a description of the subjects and issues involved." As held by the courts, the final rule must be 'a logical outgrowth' of the proposed rule." We believe that we gave notice that interim regulatory changes might be adopted for 800 and inbound services and that the "fresh look" requirement is a logical outgrowth of the proposed action. Also, as MCI notes, AT&T had actual notice of the possibility of regulatory changes involving 800 bundling and Tariff 12.

We also reject AT&T's argument that the "fresh look" requirement constitutes an unlawful prescription under section 205 of the Communications Act. The "fresh look" requirement was adopted in a rulemaking proceeding under the authority, *inter alia*, of section 205. Implicit in our decision to adopt "fresh look" is a finding that AT&T's termination liability clauses will be unreasonable in light of the risk of leveraging in 800 services. Through the original notice and comment proceeding, and the reconsideration process, AT&T and other parties have been given ample opportunity to have their arguments with respect to this issue heard.

Finally, AT&T argues that because some options have large upfront costs that are recovered from customers only over the life of the contract, the "fresh look" requirement may unreasonably deny AT&T the ability to recover its costs. By grandfathering customers instead of options, we eliminate the possibility that customers will "flock" to options with large upfront costs and qualify for "fresh look." However, to the extent that AT&T can demonstrate in specific instances that application of the "fresh look" requirement will cause substantial losses that are not sufficiently offset by other valid public policy concerns, we will entertain requests for waiver of that requirement.

CompTel, MCI, and Sprint argue that the grandfathering provision in the Report and Order should apply to customers of Tariff 12 options rather than to Tariff 12 options. They state that, having found that bundling of 800 or inbound service with other services is an unlawful practice, our authority to allow that practice to continue is very limited and does not extend to new customers. We believe that it would be in the public interest to institute a more narrowly tailored grandfathering requirement. We therefore modify the Report and Order to grandfather customers rather than options. We find that grandfathering options results in the proliferation of an unlawful practice to additional customers, and undercuts our bundling prohibition.

We also find that the grandfathering provision adopted in the order, and modified here, should apply not only to Tariff 12s, but also to Tariff 16s and other bundled service offerings. We believe that we should protect the expectancy interests of customers with bundled Tariff 12s, Tariff 16s, and other tariffed offerings to avoid causing these customers undue disruption during the relatively limited transition period to full number portability. Therefore, we will allow the customers of Tariff 12s, Tariff 16s, or other tariffed offerings with bundled 800 or inbound service that have signed contracts for service or begun taking service on the day prior to the release of this order to continue to take service under their current arrangements.

In order to enforce the grandfathering provision as modified, we direct AT&T to provide us, within 90 days of the release of this order, a list of customers of existing Tariff 12s, Tariff 16s, and other tariffed offerings with bundled 800 of inbound service, and the 800 numbers associated with each. AT&T may request confidential treatment of this information.

In order to ensure that the 800 and inbound services bundling prohibition we adopted in the Report and Order was not undermined by our grandfathering of options rather than customers, the Common Carrier Bureau rejected all non-ministerial modifications of grandfathered package deals. Several customers of these deals, however, citing the need to modify their service arrangement to keep up with changes in their business, request that we permit substantive modifications. In light of our decision to modify the Report and Order to grandfather only existing customers of Tariff 12s, Tariff 16s, or other tariffed offerings bundling 800 or inbound service with other services, we here permit otherwise lawful modifications of offerings that fall within the grandfathering provision.

Ordering Clauses

1. Accordingly, pursuant to authority contained in sections 1, 4, and 201–205 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154, 201–204, *it is ordered* That the policies, rules and requirements set forth herein are adopted.

2. *It is further ordered* That the petitions for reconsideration of Ad Hoc, AT&T, CompTel, MCI, Sprint, and WilTel are granted in part and denied in part, insofar as the petitions seek reconsideration of our treatment of 800 and inbound services in the Report and Order.

3. *It is further ordered* That MCI Telecommunications Corporation's request that we accept its late filed opposition under this docket is granted.

4. *It is further ordered* That the provisions in this Report and Order are effective April 17, 1992.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 92–11122 Filed 5–11–92; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 675

[Docket No. 911172-2021]

Groundfish of the Bering Sea and Aleutian Islands Area

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Closure to directed fishing.

SUMMARY: NMFS is prohibiting directed fishing for Pacific cod using trawl gear in the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary because the first seasonal apportionment of Pacific halibut to the

Pacific cod trawl fishery in the BSAI has been caught. The intent of this action is to promote optimum use of groundfish while conserving Pacific cod stocks.

EFFECTIVE DATES: 12 noon, Alaska local time (A.l.t.), May 6, 1992, through 12 midnight, A.l.t., June 28, 1992.

FOR FURTHER INFORMATION CONTACT: David R. Cormany, Resource Management Specialist, NMFS, 907–586–7228.

SUPPLEMENTARY INFORMATION: The groundfish fishery in the exclusive economic zone within the BSAI is managed by the Secretary of Commerce according to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson Fishery Conservation and Management Act. The FMP is implemented by regulations for the foreign fisheries at 50 CFR 611.93 and for U.S. fisheries at parts 620 and 675.

The Pacific cod trawl fishery in the BSAI is defined at § 675.21(g)(4)(v). The first seasonal apportionment of Pacific halibut to the Pacific cod trawl fishery is established by emergency rule (57 FR 11433, April 3, 1992) as 1,301 metric tons.

Under § 675.21(h)(1)(iv), the Director, Alaska Region, NMFS, has determined that U.S. fishing vessels in the BSAI have caught the 1992 first seasonal apportionment of Pacific halibut to the Pacific cod trawl fishery. NMFS is prohibiting directed fishing for Pacific cod by vessels using trawl gear in the BSAI from 12 noon, A.l.t., May 6, 1992, until 12 noon, A.l.t., June 29, 1992.

Directed fishing standards for applicable gear types may be found in the regulations at § 675.20(h) and 57 FR 11433 (April 3, 1992).

Classification

This action is taken under § 675.21 and complies with E.O. 12291.

List of Subjects in 50 CFR Part 675

Fisheries, Reporting and recordkeeping requirements.

Authority: 16 U.S.C. 1801 *et. seq.*

Dated: May 6, 1992.

David S. Crestin,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 92–11006 Filed 5–11–92; 8:45 am]

BILLING CODE 3510–22–M

Proposed Rules

Federal Register
Vol. 57, No. 92
Tuesday, May 12, 1992

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1096

[DA-92-06]

Milk in the Greater Louisiana Marketing Area; Proposed Suspension of Certain Provisions of the Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed suspension of rule.

SUMMARY: This notice invites written comments on a proposal that would suspend portions of the producer milk definition of the Greater Louisiana milk order for an indefinite period. The suspension would increase the amount of milk that may be shipped directly from the farm to nonpool plants and still be priced under the order. The suspension was requested by Dairymen, Inc. (DI), a cooperative association that represents producers who supply the market. DI contends that the suspension is necessary because of changed marketing conditions and to permit the efficient marketing of milk of dairy farmers who have historically supplied the market.

DATES: Comments are due no later than May 14, 1992.

ADDRESSES: Comments (two copies) should be filed with the USDA/AMS/Dairy Division, Order Formulation Branch, room 2968, South Building, P.O. Box 96456, Washington, DC 20090–6456.

FOR FURTHER INFORMATION CONTACT: Clayton H. Plumb, Chief, Order Formulation Branch, USDA/AMS/Dairy Division, room 2968, South Building, P.O. Box 96456, Washington, DC 20090–6456, (202) 720–6274.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act (5 U.S.C. 601–612) requires the Agency to examine the impact of a proposed rule on small entities. Pursuant to 5 U.S.C. 605(b), the Administrator of the Agricultural Marketing Service has certified that this proposed action would not have a significant enconomic impact on a substantial number of small entities. Such action would lessen the regulatory impact of the order on certain milk handlers and would tend to ensure that daily farmers would continue to have their milk priced under the order and thereby receive the benefits that accrue from such pricing.

This proposed rule has been reviewed by the Department in accordance with Departmental Regulation 1512–1 and the criteria contained in Executive Order 12291 and has been determined to be a "non-major" rule.

This proposed suspension has been reviewed under Executive Order 12278, Civil Justice Reform. This action is not intended to have a retroactive effect. If adopted, the proposed action will not preempt any state or local laws, regulations, or policies, unless they present an unreconcilable conflict with the rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608 (15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provisions of the order, or any obligation imposed in connection with the order is not in accordance with law and requesting a modification of an order or to be exempted from the order. A handler is afforded the opportunity for a hearing on the petition. After a hearing the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his principal place of business, has jurisdiction in equity to review the Secretary's ruling on the petition, provided a bill in equity is filed not later than 20 days after date of the entry of the ruling.

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), the suspension of the following provisions of the order regulating the handling of milk in the Greater Louisiana marketing area is being considered for an indefinite period:

In § 1096.13 (d)(3) and (d)(4), the words "15 percent of".

All persons who want to send written data, views or arguments about the proposed suspension should send two copies of them to the USDA/AMS/Dairy Division, Order Formulation Branch, room 2968, South Building, P.O. Box 96456, Washington, DC 20090–6456, by the 7th day after publication of this notice in the Federal Register. The period for filing comments is limited to 7 days because a longer period would not provide the time needed to complete the required procedures and include April 1992 in the suspension period.

The comments that are sent will be made available for public inspection in the Dairy Division during normal business hours (7 CFR 1.27(b)).

Statement of Consideration

The proposed suspension would suspend portions of the producer milk definition of the Greater Louisiana milk order for an indefinite period. The proposal would allow more milk to be shipped directly from farms to nonpool plants and still be priced and pooled under the order.

The order provides that a handler may divert up to 15 percent of the producer milk that is received by the handler. A suspension would increase the diversion allowance to a volume equal to one half of the volume of producer milk handled.

The suspension was requested by Dairymen, Inc. (DI), a cooperative association having a substantial amount of milk pooled on the Greater Louisiana market. DI contends that the 15 percent diversion provisions are inadequate at the present time and need to be amended through the formal rulemaking procedure which has been requested. DI contends that the normal seasonal variation in production of milk by producers pooled by the order is far greater than the portion of producer milk that can be diverted to nonpool plants (a variation of approximately 26 percent for 1991 when comparing the months of March, April and May to the months of July, August and September).

DI contends that in order to pool all of the producer milk during the spring months, it is necessary under these conditions, to inefficiently ship the milk to a pool plant, pump the milk into and out of the pool plant and then transfer the milk to a nonpool plant. DI stated that their cooperative association has submitted proposals that if heard should correct this problem.

Accordingly, it may be appropriate to suspend the aforesaid provisions

beginning in April 1992 for an indefinite period.

List of Subjects in 7 CFR Part 1096

Milk marketing orders.

The authority citation for 7 CFR part 1096 continues to read as follows:

Authority: Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

Signed at Washington, DC, on: May 6, 1992.

Daniel Haley,

Administrator.

[FR Doc. 92–11092 Filed 5–11–92; 8:45 am]

BILLING CODE 3410–02–M

7 CFR Part 1098

[DA–92–09]

Milk in the Nashville, Tennessee Marketing Area; Proposed Suspension of Certain Provisions of the Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed suspension of rule.

SUMMARY: This notice invites written comments on a proposal that would suspend portions of the pool plant definition of the Nashville, Tennessee milk order. The suspension would allow a distributing plant located in the Nashville, Tennessee marketing area, but having a plurality of its fluid milk sales in the Georgia marketing area, to stay regulated under the Nashville, Tennessee milk order. The suspension was requested by Malone & Hyde, Inc. (Malone), a proprietary handler. Malone contends that the shifting of regulation would cause disorderly marketing by adversely affecting its ability to procure milk.

DATES: Comments are due on or before May 14, 1992.

ADDRESSES: Comments (two copies) should be filed with the USDA/AMS/Dairy Division, Order Formulation Branch, room 2968, South Building, P.O. Box 96456, Washington, DC 20090–6456.

FOR FURTHER INFORMATION CONTACT: Clayton H. Plumb, Chief, Order Formulation Branch, USDA/AMS/Dairy Division, room 2968, South Building, P.O. Box 96456, Washington, DC 20090–6456, (202) 447–6274.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act (5 U.S.C. 601–612) requires the Agency to examine the impact of a proposed rule on small entities. Pursuant to 5 U.S.C. 605(b), the Administrator of the Agricultural Marketing Service has certified that this proposed action would not have a significant economic impact on a substantial number of small entities. Such action would lessen the regulatory impact of the order on certain milk handlers and would tend to ensure that dairy farmers would continue to have their milk priced under the order and thereby receive the benefits that accrue from such pricing.

This proposed rule has been reviewed by the Department in accordance with Departmental Regulatory 1512–1 and the criteria contained in Executive Order 12291 and has been determined to be a "non-major" rule.

This proposed suspension has been reviewed under Executive Order 12778, Civil Justice Reform. This action is not intended to have a retroactive effect. If adopted, this proposed action will not preempt any state or local laws, regulations, or policies, unless they present an irreconcilable conflict with the rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provisions of the order, or any obligation imposed in connection with the order is not in accordance with law and requesting a modification of an order or to be exempted from the order. A handler is afforded the opportunity for a hearing on the petition. After a hearing the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his principal place of business, has jurisdiction in equity to review the Secretary's ruling on the petition, provided a bill in equity is filed not later than 20 days after the date of the entry of the ruling.

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), the suspension of the following provisions of the order regulating the handling of milk in the Nashville, Tennessee marketing area is being considered beginning May 1992:

In § 1098.7(d)(2)(iii), the words "so long as this order's Class I price applicable at such plant location is not less than the other order's Class I price applicable at this same location".

All persons who want to send written data, views or arguments about the proposed suspension should send two copies of them to the USDA/AMS/Dairy Division, Order Formulation Branch, room 2968, South Building, P.O. Box 96456, Washington, DC 20090-6456, by the 7th day after publication of this notice in the **Federal Register**. The period for filing comments is limited to 7 days because a longer period would not provide the time needed to complete the required procedures and include May 1992 in the suspension period.

The comments that are sent will be made available for public inspection in the Dairy Division during normal business hours (7 CFR 1.27(b)).

Statement of Consideration

The proposed action would suspend portions of the pool plant definition of the Nashville, Tennessee, milk order. The proposal would allow a distributing plant located in the Nashville marketing area but having a plurality of its fluid milk sales in the Georgia marketing area to stay regulated by the Nashville order.

The suspension was requested by Malone & Hyde, Inc. (Malone), a proprietary handler operating a distributing plant that is regulated under the Nashville order. Under the provisions of that order, the Malone plant would be regulated by the Georgia milk order after the third consecutive month in which it has the plurality of its fluid milk sales in the Georgia marketing area. Because of a change in its sales pattern, Malone expects its plant to become regulated under the Georgia order.

Malone contends that because of a substantial difference in the Class I utilizations under the two orders, blend prices to its producers would be substantially lower if the plant becomes regulated under the Georgia order. The handler contends that since its plant would still be located in the Nashville procurement area, it would have a price disadvantage in competing for milk supplies with nearby plants under the Nashville order where the blend prices would be higher.

Accordingly, it may be appropriate to suspend the aforesaid provisions.

List of Subjects in 7 CFR Part 1098

Milk marketing orders.

The authority citation for 7 CFR part 1098 continues to read as follows:

Authority: Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

Signed at Washington, DC, on: May 6, 1992.

Daniel Haley,

Administrator.

[FR Doc. 92–11091 Filed 5–11–92; 8:45 am]

BILLING CODE 3410–02–M

Commodity Credit Corporation

7 CFR Part 1427

Upland Cotton Adjusted World Price

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Withdrawal of proposed rule.

SUMMARY: A proposed rule was published in the **Federal Register** on December 31, 1991 (56 FR 67547), which would amend the regulations at 7 CFR part 1427 to change the time of announcement by CCC of the adjusted world price (AWP) and coarse count adjustment (CCA) for upland cotton from 4 p.m. to 8 p.m. Eastern time each Thrusday and to provide that the AWP and CCA will be effective at the time of announcement. The proposed rule provided a comment period which ended on January 15, 1992.

After considering the comments received, CCC has determined that changes will not be made at this time, neither in the time of announcement nor in the effective time of the AWP and CCA. Accordingly, the proposed rule is withdrawn. However, CCC remains convinced that changes must be made in either or both the time of annoucement or the effective time of the AWP and CCA. A situation with the industry knowing the AWP for the subsequent week while the current week's AWP is still in effect is unacceptable. Therefore, another proposed rule will be published in the near future with respect to these provisions.

FOR FURTHER INFORMATION CONTACT: Charles V. Cunningham, Director, Fibers Analysis Division, USDA, ASCS, room 3756–S, P.O. Box 2415, Washington, DC 20013 or call (202) 720–7954.

SUPPLEMENTARY INFORMATION: Fifteen comments were timely received. One respondent supported the proposed changes. One respondent recommended that the AWP be announced at 8 a.m. and be effective at that time. The remaining 13 respondents opposed the proposed changes. Three respondents indicated that if a change is needed, the time of announcement should be moved up to 3 p.m. Several of the respondents indicated that they appreciated the Department's interest in ensuring that the program is administered in such a way as to minimize inequities but they felt that the current procedures provided no significant advantages or disadvantages and that the proposed changes would be counter-productive. They cited several concerns related to the proposal, as follows:

1. Delaying the annoucement time to 8 p.m. would hinder U.S. export opportunities, especially in the Far East—the largest market for U.S. cotton. Merchants delay the forumlation of export pricing until the AWP and CCA announcement on Thursday, then the announced price is compared to competing foreign growths. After the prices are formulated, they are telexed to U.S. sales agents in the Far East. The process is time consuming. The current procedures enable U.S. exporters to complete the pricing process and have the information transmitted for Friday morning consideration in the Far East. Delaying the announcement until 8 p.m. would result in a critical loss of a half day in competing to sell in these important U.S. markets and would provide competing foreign growths with a half-day's advantage in which to offer cotton and extend the time in which U.S. cotton remains uncompetitive.

2. Making the AWP effective upon announcement would make it impossible for a marketer to have any outstanding offers for sale. This uncertainty would undermine the orderly marketing that has been made possible by the cotton loan program. This would drive down prices, increasing the Government exposure to costs and increasing deficiency payments.

3. Changing the announcement time to after normal business hours would require keeping additional personnel overtime and add to operating costs.

4. The current procedures have been in effect since 1986 and have served the industry well. All segments of the U.S. cotton industry, its overseas customers and the cotton exchanges have adapted schedules to this annoucement time. Schedules and operating procedures would have to be changed to conform to the new annoucement time.

5. The time zone difference has been well understood from the beginning and has never been considered a significant advantage or disadvantage for industry members located in the different time zones. The New York Cotton Exchange is closed at the current announcement time, which removes one potential for time-related inequities. AWP and CCA changes, except for the Step 1 discretionary adjustment authority, are based on well-established market criteria fully known to the industry. This means there are few surprises which would give persons in Western time zones an advantage over those in the more Eastern zones.

Signed at Washington, DC on May 4, 1992.

Keith D. Bjerke,

Executive Vice President, Commodity Credit Corporation

[FR Doc. 92–11025 Filed 5–11–92; 8:45 am]

BILLING CODE 3410–05–M

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 170 and 171

[Docket No. PRM–170–3]

American College of Nuclear Physicians and Society of Nuclear Medicine; Receipt of Petition for Rulemaking

AGENCY: Nuclear Regulatory Commission.

ACTION: Petition for rulemaking; notice of receipt.

SUMMARY: The Commission has received a petition for rulemaking filed by the American College of Nuclear Physicians and the Society of Nuclear Medicine. The petition has been docketed by the Commission and has been assigned Docket No. PRM–170–3. The petitioners request that the NRC amend its regulations governing the licensing, inspection, and annual fees charged to its licensees because of the recent increase in these fees.

DATE: The petition was docketed by the Commission on February 28, 1992.

ADDRESSES: For a copy of the petition, write: Rules Review Section, Rules and Directives Review Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Telephone: 301–492–7758 or Toll Free: 800–368–5642.

FOR FURTHER INFORMATION CONTACT: Michael T. Lesar, Chief, Rules Review Section, Rules and Directives Review Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone: 301–492–7758 or Toll Free: 800–368–5642.

SUPPLEMENTARY INFORMATION:

Background

On February 18, 1992, the Nuclear Regulatory Commission (NRC) received a petition for rulemaking submitted by the American College of Nuclear Physicians and the Society of Nuclear Medicine. The petition was docketed as PRM–170–3 on February 28, 1992. The petitioners request that the NRC amend

10 CFR parts 170 and 171 concerning fees for facilities, materials licenses, and other regulatory service under the Atomic Energy Act of 1954, as amended. The petitioners request this amendment to mitigate the substantial adverse impacts experienced by its members because of the recent increase in the NRC's license and annual fees.

On April 12, 1991 (56 FR 14870), the NRC published proposed amendments to its regulations governing the licensing, inspection, and annual fees charged to its licensees. The proposed revisions were necessary to implement Omnibus Budget Reconciliation Act of 1990 (Pub. L. 101–508), passed by the Congress on November 5, 1990, which mandates that the NRC recover approximately 100 percent of its budget authority in Fiscal Year 1991, and the four succeeding fiscal years through the assessment of license, inspection, and annual fees. The proposed rule affected all applicants, licensees, and holders of certificates of compliance, registrants of sealed sources and devices and approval of quality assurance programs. The proposed revisions, when adopted, would increase fees substantially for those entities currently subject to fees. Other entities previously exempt from fees would become subject to the fees in the proposed schedules.

In response to this rule, the American College of Nuclear Physicians and the Society of Nuclear Medicine submitted comments on May 13, 1991. The petitioners' comments discussed the issue of assessing user fees to medical licensees and the potential damage that could occur as a result.

On July 10, 1991 (56 FR 31472), the NRC published the final rule implementing the requirements of Public Law 101–508. This final rule, which became effective on August 9, 1991, revised the fees charged to NRC licensees for FY 1991. With regard to the impact on NRC licensees, the Commission concluded that "to eliminate the adverse effects, the annual fees would have to be eliminated or reduced. Because Public Law 101–508 requires the NRC to assess and collect approximately 100 percent of its budget authority, a reduction in the fees assessed for one class of licensee would require a corresponding increase in the assessed for another class. Therefore, the impact noted cannot be eliminated without creating adverse effects for other licensees. For this reason, consideration has been given only to the effects that NRC is required to consider the law (i.e., the Atomic Energy Act, the Energy Reorganization Act, and the Regulatory Flexibility Act)."

The NRC reconciled the mandate of Public Law 101–508 with the requirements of the Regulatory Flexibility Act to consider the impacts of its regulations on small entities by establishing a maximum small-entity fee for a licensee who qualifies as a small entity. In an effort to further mitigate the impact of the annual fee on a small entity, the NRC has published a proposed regulation which would establish a lower tier small-entity annual fee for a licensee that is a small entity and who has relatively low annual gross receipts or supporting populations (57 FR 847; January 9, 1992). The final rule adopting this proposed amendment was published on April 17, 1992 (57 FR 13625), and becomes effective on May 18, 1992.

The Petitioners

The American College of Nuclear Physicians (ACNP) is an organization of 1,450 members, including 1,100 physicians who are qualified to use radioactive byproduct materials for diagnostic and therapeutic medical purposes. The Society of Nuclear Medicine (SNM) is an association of 11,300 members with about 4,750 physicians who practice nuclear medicine. Members of the ACNP/SNM who use byproduct radioactive materials must be licensed by either the NRC or an Agreement State.

Adverse Impacts on the Petitioners

The petitioners have submitted this petition for rulemaking because they believe they have been adversely affected by the current license fee rule. The petitioners state that, under the current rule, the fees imposed by the NRC unfairly burden medical licensees and threaten the continuation of many nuclear medicine practices. The petitioners state that fees for its member physicians have increased by up to 1400% and that this constitutes a substantial, additional expense for the practice of nuclear medicine. The petitioners state that since the fee increase over 400 nuclear medicine licensees have either terminated or applied to terminate their NRC licenses.

The petitioners state that, in addition to the direct fee increase, they are also affected indirectly. Increased user fees are also reflected in the cost of radiopharmaceuticals due to the increase in fees for radiopharmaceutical manufacturers and radiopharmacy licenses. The petitioners state that this addition fee is passed on to the practitioner, thereby raising their operating costs.

The petitioners state that substantial numbers of their members practice in hospitals because these hospitals are required to provide nuclear medicine services. The petitioners also state that about 40% of all fees for nuclear medicine service are covered by Medicare. However, according to the petitioners, Medicare reimbursement limits do not consider NRC license fee increases. Thus, the recent substantial increases in NRC license fees have had to be absorbed into the non-reimbursable costs of nuclear medicine practices.

The petitioners believe that the recent amendments to the license fee rule have had an inequitable impact on them. They believe they are in a unique situation and should be given special consideration similar to what the NRC has given to other limited categories of licensees. For example, non-profit educational institutions retained their fee exemption under part 170 and were given an additional exemption under part 171 in recognition of their unique contributions to society. The petitioners believe that their unique contributions to society should also warrant an exemption.

The petitioners believe that the NRC discounted the unique societal benefits provided by members of the ACNP/SNM, their unique circumstances regarding reimbursement, and the hardships imposed on individual physicians by the fees rules. In addition, fees for the remaining NRC medical licensees may have to rise substantially again under the present fee recovery policy because several hundred medical licensees have terminated their licenses. The petitioners believe the increases could further extend the competitive disadvantage in favor of alternative modalities and identical services in Agreement States. The petitioners indicate that the fee increases may also impact medical practice resulting in limiting patient choices in some geographical areas.

The Petitioners' Proposals

The petitioners request that parts 170 and 171 be amended to minimize the inequitable impacts of NRC-imposed fees on the practice of nuclear medicine. The petitioners request that the NRC amend its regulations in 10 CFR parts 170 and 171 to recognize factors the petitioners contend the NRC considers for other licensees. The petitioners' specific suggestions include the following items. The NRC should—

1. Provide an exemption for a medical

service similar to the exemption provided for a non-profit institution.

2. Provide for uniform consideration of each licensee's particular circumstances. For example, the petitioners suggest that the NRC develop a simple template for structuring exemption requests.

3. Adopt a sliding scale of fees depending on the size of an entity and not just providing a fee cap for those entities who qualify as "small entities."

4. Allow licensees a greater voice in the NRC's decision-making process for developing new programs where the development costs could have substantial economic impacts. The petitioners believe that if the NRC proposes to develop a regulation which is not necessary for the adequate protection of the public health and safety, the NRC should be required to show that the regulation would result in a substantial increase in safety and that the benefits exceed the costs.

Petitioners' Conclusion

The petitioners have identified several significant adverse impacts which they assert have affected its members as a result of the recent increases in the license and annual fees. The petitioners believe that the fees imposed by the NRC unfairly burden medical licensees and threaten the continuation of many nuclear medicine practices, and request that the NRC consider its proposals to amend the rules in parts 170 and 171.

NRC Consideration

The NRC intends to consider the issues raised by the petitioners after the rulemaking action necessary to establish the license and annual fees for FY 1992 is completed. The proposed rule relating to the FY 1992 fees was published for a 30-day public comment period on April 29,1992 (57 FR 18095). The petitioners' concerns will be considered within the context of the review and evaluation of the fee program for FY 1993 which will be conducted as part of the NRC's continued implementation of Public Law 101–508. As part of the review concerning the fee program for FY 1993 and succeeding years, the NRC intends to request public comment on the issues raised in this petition.

Dated at Rockville, Maryland, this 6th day of May, 1992.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 92–11093 Filed 5–11–92; 8:45 am]

BILLING CODE 7590–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 92–NM–40–D]

Airworthiness Directives; Short Brothers Model SD3–30 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes the supersedure of an existing airworthiness directive (AD), applicable to certain Short Brothers Model SD3–30 series airplanes, that currently requires inspections of various structural and system components, and repair or modification, if necessary. This action would add specific requirements for repetitive inspections to detect cracks of the rib/skin attachment cleats at left Wing Station 160. This proposal is prompted by a report that the existing AD is unclear as to the required repetitive inspections of this area. The actions specified by the proposed AD are intended to prevent failure of the cleat attachment, which could compromise the structural capability of the wing.

DATES: Comments must be received by July 6, 1992.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 92–NM–40–AD, 1601 Lind Avenue SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Short Brothers, PLC, 2011 Crystal Drive, suite 713, Arlington, Virginia 22202–3719. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Hank Jenkins, Aerospace Engineer, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055–4056; telephone (206) 227–2141; fax (206) 227–1320.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking acting on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 92–NM–40–AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, transport Airplane directorate, ANM–103, Attention: Rules Docket No. 92–NM–40–AD, 1601 Lind Avenue SW., Renton, Washington 98055–4056

Discussion

On September 16, 1988, the FAA issued AD 84–07–06 R1, Amendment 39–6036 (53 FR 38003, September 29, 1988), to require the accomplishment of various actions to address eight separate unsafe conditions identified in Short Brothers Model SD3–30 series airplanes. The required actions include inspections of various structural and system components, and modification or repair, as necessary. That action was prompted by reports of fatigue cracking, corrosion, and/or wear in these structural and system components. The requirements of that AD are intended to preserve the structural integrity of the wing and horizontal stabilizer; to prevent fuel leaks into the cabin; to ensure adequate fire protection for the aft baggage compartment; and to prevent attempted operations with the control surfaces locked.

Since the issuance of that AD, the FAA has received a report indicating that the existing AD should be clarified

to specify that the rib/skin attachment cleats at left Wing Station 160 must be inspected repetitively in order to detect cracking in a timely manner. The existing AD requires only that the inspection of this area be performed within 300 hours time-in-service after the effective date of the AD, or upon the accumulation of 4,800 total hours time-in-service, whichever occurs later, "in accordance with Short Brothers Service Bulletin SD3–57–10, Revision 1, dated October 11, 1982." Although the service bulletin describes a schedule for repetitive inspections, AD 84–07–06 R1 does not specify that the repetitive inspections are required. The FAA has determined that repetitive inspections are necessary in this area in order to detect cracking before it reaches a critical length and results in failure of the cleat attachment. Such cracking, if not detected in a timely manner and corrected, could compromise the structural capability of the wing.

This airplane model is manufactured in the United Kingdom and is type certificated for operation in the United States under the provisions of § 21.29 of the Federal Aviation Regulations and the applicable bilateral airworthiness agreement.

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would supersede AD 84–07–06 R1 to continue to require inspections of various structural and system components, and repair or modification, if necessary. However, this proposal would revise paragraph (e) of the existing AD to specify that repetitive inspections of the rib/skin attachment cleats at left Wing Station 160 are required in accordance with the intervals specified in Short Brothers Service Bulletin SD3–57–10, Revision 1, dated October 11, 1982. Although the service bulletin recommends that flight be permitted with a maximum number of cracked cleats present, the FAA has determined that it is necessary to require repair of all cracked cleats prior to futher flight, since the possibility of multiple site damage exists. This repair requirement has been included in paragraph (e) of the proposal.

This proposal would also revise paragraph (c) to clarify that replacement of curtain damaged parts, detected as a result of the inspections required by that paragraph, must be accomplished prior to further flight.

Additionally, this action revises paragraph (h) of the proposed rule to specify the current procedure for submitting requests for approval of alternative methods of compliance; and restructures the format of the proposed rule to be consistent with the standard Federal Register style.

The FAA estimates that 58 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 180 work hours per airplane to accomplish the proposed actions, and that the average labor rate is $55 per work hour. Required parts would cost approximately $3,000 per airplane. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $748,200.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption "**ADDRESSES.**"

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39–6036 (53 FR 38003, September 29, 1988), and by adding a new airworthiness directive (AD), to read as follows:

Short Brothers: Docket 92–NM–40–AD. Supersedes AD 84–07–06 R1, Amendment 39–6036.

Applicability: Model SD3–30 airplanes, certificated in any category.

Compliance: Required as indicated, unless accomplished previously. To preserve the structural integrity of the wing and horizontal stabilizer; to prevent fuel leaks into the cabin; to ensure adequate fire protection for the aft baggage compartment; and to prevent attempted operations with the control surfaces locked; accomplish the following:

(a) To ensure the availability of an adequate concentration of fire extinguishing agent in the event of a baggage compartment fire, within 180 days after November 3, 1988 (the effective date of AD 84–07–06 R1, Amendment 39–6036), install a new closing panel in the aft baggage compartment in accordance with Short Brothers Ltd. Service Bulletin SD3–25–30, dated January 8, 1982.

(b) To prevent weather or fuel leakage into the passenger cabin, within 180 days after November 3, 1988, inspect and seal the fuselage crown in accordance with Short Brothers Ltd. Service Bulletins SD3–53–01, Revision 2, dated January 19, 1977; SD3–53–18, dated November 25, 1977; and SD3–53–41, dated May 21, 1980.

(c) To prevent fatigue failure of the wing drag links, within 600 hours time-in-service after November 3, 1988, or upon the accumulation of 4,800 total hours time-in-service, whichever occurs later, inspect and modify in accordance with Short Brothers Ltd. Service Bulletin SD3–53–48, Revision 1, dated January 5, 1983. Replace damaged parts prior to further flight, in accordance with the service bulletin.

(d) To detect excessive corrosion or wear in the horizontal stabilizer (tailplane)-to-fuselage attachment fittings, pins, and bushings: Within 90 days after November 3, 1988, perform an inspection for corrosion or wear of the horizontal stabilizer (tailplane)-to-fuselage fittings, pins, and bushings in accordance with Short Brothers Ltd. Service Bulletin SD3–55–16, Revision 3, dated November 1987. For airplanes that have accumulated less than 4,800 hours time-in-service and that are less than 2 years old, accomplishment of this inspection may be deferred until reaching 4,800 total hours time-in-service or 2 years of age, whichever occurs first. Any parts found to be worn or corroded must be replaced prior to further flight, in accordance with the service bulletin.

(1) If the pins are not replaced by new pins, and if there is no corrosion found on the attachment fittings, repeat this inspection at intaervals not to exceed 1,200 flight hours or 6 months from the previous inspection, whichever occurs sooner.

(2) If all the pins on one side are replaced by new pins, repeat the inspection on that side within the next 4,800 flight hours or 2 years from the replacement, whichever occurs sooner. Thereafter, inspect at intervals not to exceed 2,400 flight hours or 1 year from the previous inspection, whichever occurs sooner.

(e) To detect cracked or broken rib/skin attachment cleats at left Wing Station 160, within 300 hours time-in-service after November 3, 1988, or upon the accumulation of 4,800 total hours time-in-service, whichever occurs later, inispect in accordance with Short Brothers Ltd. Service Bulletin SD3–57–10, Revision 1, dated October 11, 1982. Repeat this inspection within 2,400 hours time-in-service after the immediately preceding inspection, or within 300 hours time-in-service after the effective date of this AD, whichever occurs later, in accordance with the service bulletin.

(1) If no cracks are found, repeat the inspection of each bay at intervals not to exceed 2,400 hours time-in-service, in accordance with the service bulletin.

(2) If any cracks are found, repair prior to further flight, and repeat the inspection of the repaired bay at intervals not to exceed 4,800 hours time-in-service, in accordance with the service bulletin.

(f) To prevent takeoff with locked flight controls, within 180 days after November 3, 1988, modify the power control circuit in accordance with Short Brothers Ltd. Service bulletin SD3–76–01, dated September 8, 1981.

(g) An alternative method of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate. The request shall be forwarded through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Standardization Branch, ANM–113.

Note: Information concerning the existence of approved alternative methods of compliance with this airworthiness directive, if any, may be obtained from the Standardization Branch, ANM–113.

(h) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on May 4, 1992.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92–11044 Filed 5–11–92; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 92–AGL–3]

Proposed Revocation of Transition Area; Anoka, MN

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to revoke the 700 foot transition area established at Anoka, MN. This action is proposed due to the deactivation of Gateway North Industrial Airport, Ramsey, MN.

DATES: Comments must be received on or before June 26, 1992.

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, Office of the Assistant Chief Counsel, AGL–7, Attn: Rules Docket No. 92–AGL–3, 2300 East Devon Avenue, Des Plaines, IL 60018.

The official docket may be examined in the Office of the Assistant Chief Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, IL.

An informal docket may also be examined during normal business hours at the Air Traffic Division, System Management Branch, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, IL.

FOR FURTHER INFORMATION CONTACT: Douglas F. Powers, Air Traffic Division, System Management Branch, AGL–530, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, IL, 60018; telephone (312) 694–7568.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 92–AGL–3". The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule.

The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the Rules Docket, FAA, Great Lakes Region, Office of the Assistant Chief Counsel, 2300 East Devon Avenue, Des Plaines, IL, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMS

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA–220, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267–3485. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–2A, which describes the application procedure.

The Proposal

The FAA is considering an amendment to § 71.181 of part 71 of the Federal Aviation Regulations (14 CFR part 71) to revoke the 700 foot transition area established at Anoka, MN. This action is being proposed due to the deactivation of Gateway North Industrial Airport, Ramsey, MN.

Aeronautical maps and charts would reflect the area returned to a non-controlled status.

The airspace designation for the transition area listed in this document is published in § 71.181 of Handbook 7400.7 effective November 1, 1991, which is incorporated by reference in 14 CFR 71.1.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore— (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that the rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, transition areas, Incorporation by reference.

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—[AMENDED]

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. app. 1348(a), 1354(a), 1510; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 49 U.S.C. 106(g); 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.7, Compilation of Regulations, published April 30, 1991, and effective November 1, 1991, is amended as follows:

Section 71.181 Transition areas.

* * * * *

Anoka, MN [Removed]

* * * * *

Issued in Des Plaines, IL, on April 28, 1992.

John P. Cuprisin,

Manager, Air Traffic Division.

[FR Doc. 92–11045 Filed 5–11–92; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

Airspace Docket No. 92–AGL–1]

Proposed Revocation of Transition Area; Lake Geneva, WI and Proposed Alteration of Transition Area; Delavan, WI

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to revoke the 700 foot transition area established at Lake Geneva, WI. This action is proposed due to the deactivation of Americana Airport, previously named Playboy Airport. This notice also proposes to revise the published Delavan, WI, transition area description by deleting the words "excluding the Lake Geneva, WI, 700 foot transition area." No changes to the dimensions of the existing designated Delavan, WI, transition area would result from this proposed action.

DATES: Comments must be received on or before Jnue 26, 1992.

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, Office of the Assistant Chief Counsel, AGL–7, Attn: Rules Docket No. 92–AGL–1, 2300 East Devon Avenue, Des Plaines, IL 60018.

The official docket may be examined in the Office of the Assistant Chief Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, IL.

An informal docket may also be examined during normal business hours at the Air Traffic Division, System Management Branch, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, IL.

FOR FURTHER INFORMATION CONTACT: Douglas F. Powers, Air Traffic Division, System Management Branch, AGL–530, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, IL 60018; telephone (312) 694–7568.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in devloping reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 92–AGL–1". The postcard will be dat/time stamped and returned to the commenter. All communications recieved on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the Rules Docket, FAA, Great Lakes Region, Office of the Assistant Chief Counsel, 2300 East Devon Avenue, Des Plaines, IL both before and after the closing date for comments. A report summarizing each substantitive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA–220, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267–3485. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–2A, which describes the application procedure.

The Proposal

The FAA is considering an amendment to § 71.181 of part 71 of the Federal Aviation Regulations (14 CFR part 71) to revoke the 700 foot transition area established at Lake Geneva, WI, due to the deactivation of Americana Airport, previously named Playboy Airport, and to revise the published Delavan, WI, transition area description by deleting the words "excluding the Lake Geneva, WI, 700 foot transition area."

Aeronautical maps and charts would reflect the area returned to a non-controlled status.

The airspace designations for the transition areas listed in this document are published in § 71.181 of Handbook 7400.7 effective November 1, 1991, which is incorporated by reference in 14 CFR 71. The amended designations for these transition areas would be published subsequently in § 71.181 of Handbook 7400.7, if this regulation is promulgated.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that the rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas, Incorporation by reference.

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—[AMENDED]

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. app. 1348(a), 1354(a), 1510; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 49 U.S.C. 106(g); 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.7, Compilation of Regulations, published April 30, 1991, and effective November 1, 1991, is amended as follows:

Section 71.181 Transition Areas

* * * * *

Lake Geneva, WI [Removed]

* * * * *

Delavan, WI [Revised]

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Lake Lawn Airport (lat. 42° 37' 55" N., long. 88° 36' 05" W.), Delavan, WI.

* * * * *

Issued in Des Plaines, IL, on April 28, 1992.

John P. Cuprisin,

Manager, Air Traffic Division.

[FR Doc. 92-11046 Filed 5-11-92; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 92-AAL-1]

Proposed Alteration and Designation of VOR Federal Airways; AK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to alter the descriptions of several existing VOR Federal airways, and to designate several new airways, located in the State of Alaska. The FAA made an agreement with the International Civil Aviation Organization (ICAO) to remove all alternate airway segments from the National Airspace System (NAS). This action would support that agreement.

DATES: Comments must be received on or before June 29, 1992.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Air Traffic Division, AAL-500, Docket No. 92-AAL-1, Federal Aviation Administration, 222 West 7th Avenue, Anchorage, AK 99513.

The official docket may be examined in the Rules Docket, Office of the Chief Counsel, room 916, 800 Independence Avenue, SW., Washington, DC, weekdays, except Federal holidays, between 8:30 a.m. and 5 p.m.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace and Obstruction Evaluation Branch (ATP-240), Airspace-Rules and Aeronautical Information Division, Air Traffic Rules and Procedures Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267-9250.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 92-AAL-1." The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA-220, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267-3485. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2A which describes the application procedure.

The Proposal

The FAA is considering an amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) to alter the descriptions of several airways and to designate several new airways located in the State of Alaska. This action would support the FAA's agreement with ICAO to remove all alternate airway segments from the NAS. The airspace designations for existing VOR Federal airways listed in this document are published in Section 71.125 of Handbook 7400.7 effective November 1, 1991, which is incorporated by reference in 14 CFR 71.1. The amended designations for these airways, and the airspace designations for the new airways proposed in this document would be published subsequently in Section 71.125 of the Handbook, if this regulation is promulgated.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, VOR Federal airways, Incorporation by reference.

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—[AMENDED]

1. The authority citation for 14 CFR Part 71 continues to read as follows:

Authority: 49 U.S.C. app. 1348(a), 1354(a), 1510; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389; 49 U.S.C. 106(g); 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.7, Compilation of Regulations, published

April 30, 1991, and effective November 1, 1991, is amended as follows:

Section 71.125 Alaskan VOR Federal Airways

* * * * *

V–317 [Revised]

From Ethelda, BC, Canada, NDB via Annette Island, AK; 42 miles 12 AGL, 42 miles 52 MSL, 15 miles 12 AGL Level Island, AK; Sisters Island, AK; to INT Sisters Island 272° and Yakutat, AK, 139° radials. The airspace within Canada is excluded.

V–318 [New]

From Annette Island, AK; INT Annette Island 311°T(284°M) and Level Island, AK, 164°T(136°M) radials; Level Island.

V–319 [Revised]

From Yakutat, AK, via Johnstone Point, AK; INT Johnstone Point 286° and Anchorage, AK, 117° radials; Anchorage; Sparrevohn, AK; Bethel, AK; the Hooper Bay, AK.

V–320 [New]

From Johnstone Point, AK, INT Johnstone Point 271°T(244°M) and Anchorage, AK, 130°T(105°M) radials; to Anchorage.

* * * * *

V–440 [Revised]

From Victoria, BC, Canada. From Sandspit, BC, 83 miles 12 AGL, 115 miles 35 MSL, 55 miles 12 AGL, via Biorka Island, AK; 31 miles 12 AGL, 50 miles 47 MSL, 85 miles 20 MSL, 40 miles 12 AGL, Yakutat, AK; 67 miles 12 AGL, 82 miles 75 MSL, 56 miles 12 AGL, Middleton Island, AK; Anchorage, AK; McGrath, AK; 23 miles 12 AGL, 54 miles 55 MSL, 46 miles 40 MSL, 25 miles 12 AGL, Unalakleet, AK; 17 miles 12 AGL, 91 miles 25 MSL, 17 miles 12 AGL to Nome, AK. The airspace within Canada is excluded.

V–441 [New]

From Middleton Island, AK, via the INT of Middleton Island 298°T(272°M) and Anchorage, AK, 163°T(138°M) radials; to Anchorage.

* * * * *

V–453 [Revised]

From King Salmon, AK, Dillingham, AK; 41 miles 12 AGL, 17 miles 60 MSL INT Dillingham 308° and Bethel, AK, 143° radials; 35 miles 60 MSL, 55 miles 12 AGL Bethel.

V–454 [New]

From King Salmon, AK, via the INT of King Salmon 271°T(250°M) and Dillingham, AK, 120°T(100°M) radials; to Dillingham.

* * * * *

V–481 [Revised]

From Johnstone Point, AK, via Gulkana, AK; Big Delta, AK; to Fort Yukon, AK.

VC–482 [New]

From Johnstone Point, AK, via the INT of Johnstone Point 032°T(006°M) and Gulkana, AK, 184°T(156°M) radials; to Gulkana.

V–488 [Revised]

From Hooper Bay, AK, via Unalakleet, AK; Galena, AK, INT Galena 074° and Tanana, AK, 260° radials; Tanana; Fairbanks, AK.

V–489 [New]

From Galena, AK, INT Galena 089°T(066°M) and Tanana, AK, 245°T(219°M) radials; to Tanana.

* * * * *

Issued in Washington, DC, on May 5, 1992.

Harold W. Becker,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 92–11047 Filed 5–11–92; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 91–AWA–10]

Proposed Alteration of Jet Route J–167 and Revocation of Jet Route J–529; AK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to revoke Jet Route J–529 between Fort Yukon, AK, and Shingle Point, Canada, and proposes to extend Jet Route J–167 from Fort Yukon to Shingle Point, Nondirectional Radio Beacon (NDB). Canada has a J–529 elsewhere in Canada, and has requested the elimination of the J–529 segment that enters the United States. This action would honor that request.

DATES: Comments must be received on or before June 29, 1992.

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket [AGC–10], Airspace Docket No. 91–AWA–10, 800 Independence Avenue, SW., Washington, DC 20591.

The official docket may be examined in the Rules Docket, Office of the Chief Counsel, room 916, 800 Independence Avenue, SW., Washington, DC, weekdays, except Federal holidays, between 8:30 a.m. and 5 p.m.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace and Obstruction Evaluation Branch (ATP–240), Airspace-Rules and Aeronautical Information Division, Air Traffic Rules and Procedures Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267–9250.

SUPPLEMENTARY INFORMATION:

Comments Invited

Iterested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 91–AWA–10." The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA–220, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267–3485. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2A which describes the application procedure.

The Proposal

The FAA is considering an amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) to revoke a segment of Jet Route J–529 located between Fort Yukon, AK, to Shingle Point, Canada. Canada has requested that the segment of J–529 that

enters the United States be eliminated from the airspace system and that J-167 be extended from Fort Yukon to Shingle Point, Canada. This action would remove the duplication of jet routes within Canadian airspace. The airspace designations for existing jet routes listed in this document are published in section 75.100 of Handbook 7400.7 effective November 1, 1991, which is incorporated by reference in 14 CFR 71.1. The amended designations for these jet routes would be published subsequently in Section 71.607 of the Handbook, if this proposed rule is promulated.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Jet routes, Incorporation by reference.

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—[AMENDED]

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. app. 1348(a), 1354(a), 1510; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 49 U.S.C. 106(g); 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.7, Compilation of Regulations, published April 30, 1991, and effective November 1, 1991, is amended as follows:

Section 75.100 Jet Routes

* * * * *

J-167 [Revised]

From Johnstone Point, AK, via Gulkana, AK; Big Delta, AK; Fort Yukon, AK; to Shingle Point NDB, YT, Canada. The airspace within Canada is excluded.

* * * * *

J-529 [Removed]

* * * * *

Issued in Washington, DC, on May 5, 1992.

Harold W. Becker,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 92-11048 Filed 5-11-92; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 91-AWP-16]

Proposed Alteration of VOR Federal Airway V-186; CA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to alter the description of Federal Airway V-186 between Van Nuys, CA, and Poggi, CA. Realigning and extending the airway would improve approach procedures into Los Angeles International Airport, relieve congestion, and reduce air traffic control (ATC) workload.

DATES: Comments must be received on or before June 14, 1992.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Air Traffic Division, AWP-500, Docket No. 91-AWP-16, Federal Aviation Administration, P.O. Box 92007, Worldway Postal Center, Los Angeles, CA 90009.

The official docket may be examined in the Rules Docket, Office of the Chief Counsel, room 916, 800 Independence Avenue, SW., Washington, DC, weekdays, except Federal holidays, between 8:30 a.m. and 5 p.m.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Patircia P. Crawford, Airspace and Obstruction Evaluation Branch (ATP-240), Airspace-Rules and Aeronautical Information Division, Air Traffic Rules and Procedures Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: (202) 267-9255.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 91-AWP-16." The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA-202, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267-3485. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of advisory Circular No. 11-2A which describes the application procedure.

The Proposal

The FAA is considering an amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) to realign V-186 between Van Nuys, CA, and Poggi, CA. The realignment would improve approach procedures for profile descent into Los Angeles International Airport and reduce the ATC workload. This proposal would relieve congestion of aircraft presently routed along the shoreline. The description of Federal Airway V-186 is published in § 71.123 of Handbook 7400.7 effective November 1, 1991, which is incorporated by reference

in 14 CFR 71.1. The amended description for this airway would be published subsequently in section 71.123 of the Handbook, if this proposed rule is promulgated.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, VOR Federal airways, Incorporation by reference.

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—[AMENDED]

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. app. 1348(a), 1354(a), 1510; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 49 U.S.C. 106(g); 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.7, Compliation of Regulations, published April 30, 1991, and effective November 1, 1991, is amended as follows:

Section 71.123 Domestic VOR Federal Airways.

* * * * *

V–186 [Revised]

From San Marcus, CA, via INT San Marcus 123°T(109°M) and Filmore, CA, 265°T(250°M) radials; Fillmore; Van Nuys, CA; INT Van Nuys 110°T(095°M) and Paradise, CA, 293°T(278°M) radials; Paradise; INT Paradise 145°T(130°M) and Poggi, CA, 350°T(336°M) radials; to Poggi.

* * * * *

Issued in Washington, DC, on May 5, 1992.

Harold W. Becker

Manager, Airspace—Rules and Aeronautical Information Division.

[FR Doc. 92–10908 Filed 5–11–92; 8:45 am]

BILLING CODE 4910–13–M

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

29 CFR Part 2200

Rules of Procedure

AGENCY: Occupational Safety and Health Review Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document makes several revisions to the procedural rules governing practice before the Occupational Safety and Health Review Commission. Although many of the revisions are technical and claring in nature, this proposal also contains several significant changes to Commission practice and procedure. The Commission proposes, for example, to eliminate fact pleading and institute notice pleading at the complaint and answer stage. The Commission is also proposing revisions to its rules on discovery, including provisions requiring the parties to answer certain mandatory interrogatories shortly after the filing of the Secretary's complaint. Finally, the Commission is proposing substantial revisions to its rules on simplified proceedings. Of greatest significance, the Commission would eliminate the ability of any party to wield an absolute veto over the use of simplified proceedings. Rather, the parties would file any objections with the Judge, who would decide whether the objecting party has shown that Simplified Proceedings would prejudice it in the presentation of its case.

The Commission would also make certain changes in its discovery procedures, and proposes rules that would allow parties to file documents through facsimile transmission (FAX) and would formalize rules governing a party's appearance before the Commission as amicus curiae.

DATES: Comments must be received by June 26, 1992.

FOR FURTHER INFORMATION CONTACT: Earl R. Ohman, Jr., General Counsel (202)634–4015.

SUPPLEMENTARY INFORMATION: This document proposes substantial revisions to the procedural rules governing practice before the Occupational Safety and Health Review Commission. Generally, revisions to the Commission's rules of procedure are not subject to the provisions of the Administrative Procedure Act requiring notice and opportunity for comment (5 U.S.C. 553(b)(3)(A)). However, because these revisions will have substantial effect upon the nature of practice before the Commission, the Commission invites public comment, especially from those employers and attorneys who will be most effected by these revisions.

I. Notice Pleading

The Commission proposes revisions to § 2200.34 that would eliminate fact pleading and institute notice pleading. It has been the Commission's experience that fact pleading has not facilitated the identification of issues before the Commission. Rather, the time required to fulfill the requirements of fact pleading has resulted in undue delays in the processing of cases, and has incurred the antipathy of both parties and Judges. Because notice pleadings should be easier for the parties to prepare, the Commission would reduce the time frames involved. Accordingly, the Commission proposes to require the Secretary to file the complaint no later than 20 days after receipt of the notice of contest. § 2200.34(a)(1). Similarly, the employer would be required to file its answer within 15 days after service of the complaint. § 2200.34(b)(1). The Commission would note that these time frames represent a return to those that were applicable before 1986, when the Commission previously required notice pleading.

The proposed rule would require the Secretary to set forth only those facts underlying his case that are necessary to inform the employer of the allegations against it. Similarly, the employer need only admit or deny the various allegations contained in the complaint, and set forth those affirmative defenses it currently expects to raise before the Judge. Although the most commonly raised affirmative defenses are set forth in the rule, § 2200.34(b)(3), the list is not intended to be exclusive. Where the employer has been dilatory in raising an affirmative defense, the Judge has the discretion to preclude the employer from raising it later in the proceedings, unless the Judge finds that the party has asserted the defense as early as possible. § 2200.34(b)(4).

II. Discovery

A. Mandatory Interrogatories

By the addition of § 2200.50 to its rules of procedure, the Commission proposes to require parties to answer certain mandatory interrogatories, after the filing of the complaint and answer.

Forty-five days after filing the complaint, the Secretary would be required to file its responses to the interrogatories. The employer would be required to file its responses to interrogatories twenty days after service of the Secretary's responses. Where employees contest the abatement date and the employer has not filed a notice of contest to other issues, they must file their responses thirty days after they file their notice of contest. The Secretary and employer must file their responses twenty days after service of the employees' response. This shorter response time is in keeping with § 2200.38(c) which requires that employee contests to the appropriateness of the abatement date be handled as expedited proceedings. Where the employer has also filed a notice of contest, the employees or their authorized representative would not be required to file their answers until twenty days after service of the Secretary's answers. This would put the employees and the employer on an equal footing insofar as they would both be able to consider the Secretary's responses before formulating their own.

The purpose of these mandatory interrogatories is to have the parties exchange information central to the case as early as possible. This information should help narrow the issues at an early stage of the proceedings, assist the parties in reaching settlements and speed the flow of cases through the Commission. For example, in cases involving section 5(a)(1) of the Act, the general duty clause, one of the most vexing problems for the Commission and the employer has been to obtain a clear definition of the recognized hazard alleged by the Secretary. Under § 2200.50(a)(2), the Secretary would now be required to identify with specificity the exact nature of the recognized hazard early in the proceedings. In many cases, this information should aid the employer in either formulating its defense or reaching a settlement with the Secretary.

In most instances, the information requested in the interrogatories should be readily available to the parties. The Secretary would be required to state with particularity the nature of the alleged violations, the basis for the proposed penalty, and the factual basis for any willful, repeated, or failure to abate characterization. Where employees contest the abatement date, they would be required to state with particularity all facts relevant to the contention that the abatement date is inappropriate. All parties would also be required to furnish the names, addresses and phone numbers of both lay and expert witnesses; an outline of the anticipated discovery and an estimate of the time it will take to complete.

The proposed rules anticipate that in some instances certain information might not be available in time to furnish a timely response. § 2200.50(e). In such an instance, the party would be required to supply as complete an answer as possible, explain why it cannot fully answer and what it would require to answer in full, and furnish an estimate of when the information will be available. § 2200.50(e)(1). The responding party would be required to furnish the full response within ten days of its receipt of the information. It also would be required to furnish any information that would indicate that a previous response was incorrect when furnished or has subsequently become incorrect. § 2200.50(e)(2).

B. Other Amendments to the Discovery Process

Section 2200.51 Prehearing Conferences and Orders

The Commission proposes to revise this section by adding a new paragraph (a) to require the Judge to hold a scheduling conference and, within thirty days after the filing of answers to the mandatory interrogatories, enter a scheduling order that limits the time (1) to join other parties and to amend the pleadings, (2) to file and hear motions, and (3) to complete discovery. The scheduling order may also include (1) the date or dates for conferences before hearing, a final prehearing conference, and hearing and (2) any matters appropriate to the circumstances of the case. The Commission believes that the schedules derived from the scheduling conference will encourage the parties to keep the case moving at a reasonable pace, and avoid needless delay and inaction.

The prehearing procedures set forth in the current § 2200.51 will be retained in paragraph (b). Where the Judge does not hold a prehearing conference, the Judge is currently given the discretion to order the parties to submit a prehearing order setting forth any stipulations, disputed issues of fact and law, names and addresses of witnesses to be called, exhibits to be introduced, the possibility of settlement, the estimated hearing time, and a proposed hearing date. Because many of these items would be included in the mandatory interrogatories and in the scheduling order, the Commission proposes to eliminate that portion of the current rule. Although the requirement would be removed from the rules, the Judge would not be prohibited from requiring the parties to submit an agreed prehearing order where the Judge, in his discretion, finds it appropriate.

Section 2200.52 General Provisions Governing Discovery

In paragraph (d) the Commission would amend its rule on protective orders by (1) requiring that the party seeking the protective order make a showing of good cause; and (2) expanding the types of protective orders available. As currently written, the rule expressly states several justifications for a protective order: annoyance, embarrassment, oppression, or undue burden or expense. By replacing this list with a requirement that good cause be shown, the Commission intends to grant the Judge more flexibility in determining when a protective order is warranted. The expansion of the list of available protective orders should, similarly, increase the flexibility of the Judge in formulating a proper order. As with the current rule, however, the list is illustrative, not exclusive.

The Commission would also add several new paragraphs to § 2200.52. To speed up the discovery process, the Commission proposes adding paragraph (h) which would require that prehearing discovery be completed within ninety days following service of the last set of mandatory interrogatories required under new rule 50, § 2200.50. Although § 2200.52(h) measures the time limit for discovery from the filing of the last set of mandatory interrogatories, the Commission expects that discovery will also take place during the period for filing mandatory interrogatories. The Commission believes that, in the vast majority of cases, this amendment will provide sufficient time to complete the discovery process, while setting a time limit to prevent discovery from dragging on interminably. When a case is particularly complex, or where unexpected circumstances arise which are not the fault of the parties and which delay the completion of discovery, the Commission or the Judge would be able to allow additional time.

The Commission also proposes to explicitly adopt F.R.Civ.P.26(e)(1)–(3) by adding paragraph (i) which would set forth a party's obligation to supplement or amend responses to discovery requests. Under paragraph (i)(1), a party would be obligated to supplement any response to a question addressed to the identity and location of persons having knowledge of discoverable matters, and the identity of each person expected to be called as an expert witness, the subject matter on which the person is

expected to testify, and the substance of the testimony. Furthermore, under paragraph (i)(2), a party would be under a duty to amend a prior response if the party obtains information which establishes that the response was incorrect when made, or informs the party that the response, though correct when made, is no longer true and the circumstances are such that a failure to amend the response would effectively constitute a knowing concealment. Paragraph (i)(3) would allow the parties to supplement prior responses by agreement.

Proposed paragraph (j) would clarify that interrogatories under §§ 2200.50 and 55, and the answers thereto, requests for production or inspection of documents under § 2200.53, requests for admission under § 2200.54 and responses thereto, and depositions under § 2200.56, shall not be served on the Commission or the Judge. The paragraph also clarifies that the party responsible for service of the discovery material shall retain the original and become its custodian. On occasion, there has been some confusion among parties not fully familiar with Commission practice over the Commission's role in discovery and the status of discovery responses vis-a-vis the official record. This proposal should make it clear that documents obtained or created during discovery are not part of the official record, unless officially introduced into the record by the parties.

Because discovery documents are generally not filed with the Commission or Judge, the Commission proposes adding paragraph (k) to clarify that when relief is sought from a discovery request or discovery response under §§ 2200.41 or 52(d)–(f), the portion of the response or request from which relief is sought must be filed with the Commission or the Judge contemporaneously with any motion for relief.

Finally, the Commission proposes adding paragraphs (l) and (m) which would set forth the parties' obligation to file with the Judge or the Commission any discovery document that the party expects to use either at the hearing or on appeal.

Section 2200.56 Depositions

As noted, depositions are normally not filed with the Commission or the Judge and, therefore, are not part of the official record. However, parties frequently seek to introduce excerpts from depositions during the hearing. The Commission, therefore, proposes adding paragraph (f) to § 2200.56 to set forth procedures for offering depositions at the hearing. Under this proposal, the party seeking to introduce the deposition must furnish the excerpt (by page and line number) to the Judge and all opposing parties at least five working days prior to the hearing. Four working days thereafter, the adverse party shall furnish to the Judge and all opposing parties additional excerpts from the depositions (by page and line number) which it expects to be read pursuant to Fed.R.Civ.P.32(a)(4). At the same time, the adverse party must also file any objections to the opposing party's depositions. Other excerpts may be read after giving reasonable notice to the Judge and all other parties.

Telephone Depositions

To facilitate the use of depositions, and to reduce the expense to the parties, the Commission proposes adding paragraph (g) to § 2200.56 to allow the parties to take depositions by telephone. Under paragraph (g)(1), telephone depositions would be conducted pursuant to F.R.Civ.P.30(b)(7). Under that rule, the parties can either stipulate in writing that they agree to take a telephone deposition, or they can move the Judge for an order permitting a deposition to be taken by telephone. Also, under the Federal Rule, a deposition taken by telephone is deemed to be have been taken in the district and place where the deponent is to answer questions.

Under proposed paragraph (g)(2), a party must make known any objections to a telephone deposition at least ten days prior to the taking of the deposition. If the objections are not resolved before the deposition date, the deposition would be stayed pending resolution of the dispute.

Video Depositions

The Commission also proposes adding paragraph (h) to § 2200.56 to allow the taking of video depositions. A party that indicates in its notice of deposition that it wishes to record the deposition by videotape shall be deemed to have moved for such an order under F.R.Civ.P.30(b)(4). Unless an objection is filed and served within ten days of such notice, the Judge would be deemed to have granted the motion. The amendment would also set forth specific rules governing the taking of video depositions. The videotaped deposition would be simultaneously recorded by a qualified court reporter. This written transcript would constitute the official record of the deposition for purposes of F.R.Civ.P.30(e) (submission to witness) and 30(f) (filing; exhibits). § 2200.56(h)(1). The deponents would be administered the oath or affirmation on camera. § 2200.h(1).

The cost of the taping and stenographic recording would be borne by the noticing party and any party may, at its own expense, obtain a copy of the videotape or stenographic transcript. § 2200.56(h)(2).

Pursuant to F.R.Civ.P.28(c), the operator of the video equipment could neither be a relative, employee, or attorney of any of the parties or their counsel, nor have a financial interest in the action. At the commencement of the deposition, the operator would be required to swear or affirm to record the proceedings fairly and accurately. § 2200.56(h)(3).

Under § 2200.56(h)(4), each witness, attorney, and other person attending the deposition would be identified on camera at the commencement of the deposition. However, the parties would be able to waive the video identification of any party. Thereafter, only the deponent, and any demonstrative material used during the deposition, would be videotaped.

The deposition would be conducted in a manner intended to replicate, to the extent feasible, the presentation of evidence at a hearing. The deposition would be taken in a neutral setting, against a solid background, with only such lighting as necessary for accurate recording. Light, camera angle, lens settings, field of view, and sound levels could be altered only as necessary for accurate recording. Eating and smoking during the deposition would be prohibited. § 2200.56(h)(5).

Videotape recording would be suspended during all "off the record" discussions. § 2200.56(h) (6).

The videotape operator would be required to use a counter on the recording equipment to enable him to create a log, cross-referenced to counter-numbers, that identifies certain critical points in the deposition, i.e. where examination of witnesses begin, objections, and introduction of exhibits. § 2200.56(h)(7).

The original of the tape recording, together with the operator's log index and a certificate of the operator attesting to the accuracy of the tape, would be required to be filed with the Executive Secretary or the Commission. No part of the tape would be allowed to be released to the public unless authorized by the Commission or the Judge. § 2200.56(h)(8).

Requests for prehearing rulings on the admissibility of evidence obtained during a videotaped deposition would be required to be accompanied by

appropriate pages of the written transcript. § 2200.56(h)(9).

Finally, the party desiring to use the tape at the hearing would be responsible for having available all necessary equipment and an operator. If only portions of the tape are to be used at the hearing, the parties must designate the parts to be included, and the offering party must prepare a version of the tape edited to allow continuous playback. A copy of the tape would be available to other parties, and a copy of the unedited original of the tape would be available at the hearing. § 2200.56(h)(10).

Section 2200.57 Issuance of Subpenas; Petitions to Revoke or Modify Subpenas; Right To Inspect or Copy Data

The Commission also proposes a technical amendment to § 2200.57(a). Currently, the rule requires that subpena(s) be issued ex parte. The change would bring the rule into line with actual practice and make it permissible, but not mandatory, to issue warrants ex parte.

III. Facsimile Transmission

The Commission proposes rules allowing it to take advantage of the widespread and accepted use of facsimile transmissions (FAX). Not only does the Commission propose to make the convenience of facsimile transmission available to all parties, but, it also expects that, when used, facsimile transmission will eliminate the days required for the mailing of documents. Over the long term, this time savings should significantly increase the flow of cases through the Commission.

The Commission proposes to add a new paragraph (f) to § 2200.8 allowing for the facsimile transmission of documents and setting forth appropriate rules. Subparagraph (1) of § 2200.8(f) allows any document to be filed by facsimile transmission and states that filing shall be deemed complete at the time the transmission is received by the Commission or Judge. Filed facsimiles shall have the same force and effect as the original.

Subparagraph (2) states that all facsimile transmissions shall include a facsimile of the certificate of service.

Under subparagraph (3) the party sending the facsimile would have three days to file a signed, original document and, where appropriate, the proper number of copies.

Subparagraph (4) would make it the responsibility of the parties to use transmission equipment compatible with the equipment operated by the Commission. The serving party would be responsible for the legibility of the transmitted documents.

Service requirements for facsimile transmissions are set forth in proposed § 2200.7(c). According to the Commission's proposal, service by facsimile transmission would be considered personal delivery. The amendment would again stress that the party sending the facsimile transmission is responsible for its legibility.

IV. Simplified Proceedings

General Comment

The Commission first proposed amending its rules for simplified proceedings on February 18, 1987. 52 FR 4017. Shortly thereafter, however, the Commission no longer had a quorum and could take no official action. Now that it has a quorum, the Commission is again considering adopting the amendments originally proposed in 1987. These proposed amendments are substantially similar to those proposed in 1987. Some changes to the 1987 proposals are necessitated by the lapse of time since they were first published (particularly references to other rules that have since changed). Other changes from the 1987 proposal will be noted below.

Purpose of Amendments

Paragraph (a) § 2200.200 states that the simplified proceedings rules have a dual purpose. The present rule defines these goals as (1) saving time and expense and (2) "preserving fundamental procedural fairness." Under the proposed rule, the second goal would be restated more specifically as "assuring due process and a hearing that meets the requirements of the Administrative Procedure Act, 5 U.S.C. 554."

Application of Subpart M

Section 2200.201 states the criteria for determining which cases are governed by subpart M. Under the present rule, a case cannot be tried under simplified proceedings if any party objects to a request for simplified proceedings. Under the proposed rule, however, the Chief Administrative Law Judge or the Judge to whom the case has been assigned could overrule a party's objections and approve a contested request for simplified proceedings.

Eligibility

Section 202 would be updated to reflect the Secretary's adoption of new occupational health standards in subpart Z of part 1910. More importantly, cases brought under section 5(a)(1), 29 U.S.C. § 654(a)(1), the Act's "general duty clause," would be made eligible for simplified proceedings. Under the present rule, such cases cannot be tried under simplified proceedings. However, the Commission believes that this categorical exclusion of all 5(a)(1) cases is unwarranted. While some 5(a)(1) cases are extremely complex and difficult to resolve, others are relatively simple and well suited to hearing under simplified proceedings.

Elimination of the Veto

When the Commission first made available a procedure for simplified proceedings, it was expected that these abridged procedures would facilitate the resolution of the many simple cases that constitute a significant portion of the Commission's caseload. Since employers in the simplest of cases frequently appear pro se, the Commission hoped that simplified proceedings would provide significant benefits to the small employer.

Because these simplified procedures restricted discovery and other practices, the Commission allowed any party an absolute veto over its use. Concerns about these abridged procedures has resulted in the regular use of the veto power, largely by the Secretary, in even the simplest of cases. Mullins, The Use of Settlement Judges and Simplified Proceedings in Enforcement Actions Before the Occupational Safety & Health Review Commission (Report to the Administrative Conference of the United States) (September 1990), pp. 70–71. In short, simplified proceedings probably are underutilized. *Id.* at 78. As a result, it appears that cases that could have benefitted most from simplified proceedings were tried under normal rules, resulting in the unnecessary expenditure of time and resources by both the government and the employers.

Because the Commission is determined to make simplified procedures a viable alternative to its conventional rules, it is necessary to eliminate the absolute veto. Therefore, while the Commission intends to allow any party to object to the use of simplified proceedings, § 2200.203(b), it would grant to the Judge the authority to decide whether the case should be conducted under simplified proceedings or conventional rules. The sole consideration for the Judge is whether the objecting party has shown that its ability to present its case would be prejudiced by the use of simplified proceedings. §§ 2200.203(b)(3), 203(d). Although the Commission would grant the Judge discretion to determine when prejudice is shown, the Commission would expect that such prejudice would

generally be established when the objecting party shows that certain rules and procedures unavailable under simplified proceedings are necessary for the preparation and/or presentation of its case.

The Commission also recognizes that many requests for simplified proceedings were vetoed because the other party feared that it might require the use of procedures available only under conventional rules. To alleviate these concerns, the Commission proposes expanding § 2200.204 to make it easier to discontinue simplified proceedings.

Where the objecting party has failed to make a showing that simplified procedures would be inappropriate, the Judge would be expected to order the parties to proceed under simplified procedures. The Judge's decision in this matter would be final, and not subject to interlocutory review. § 2200.203(d).

Procedures for Commencing Simplified Proceedings

The times for filing the complaint and answer are suspended when a request for simplified proceedings is filed. § 2200.203(e). Should the Judge grant an objection to simplified proceedings, the time for filing the complaint and answer would begin anew from the parties' receipt of the notice granting the objection. If the Secretary has filed a complaint before a request for simplified proceedings is made, the employer need not file its answer, or other required response if the case involves an employee contest or a petition for modification of abatement date, unless an objection is granted. § 2200.205(a).

Halting Simplified Proceedings.

As noted earlier, the Commission proposes enlarging § 2200.204, the rule governing the discontinuance of simplified proceedings. In the event that, after simplified proceedings are instituted, it becomes apparent that one or more of the parties would be prejudiced by continuing under these rules, the Judge, upon motion of any party or his own motion, could discontinue simplified proceedings at any time, up to thirty days before the hearing. § 2200.204(a).

It should be noted that, in the Commission's 1987 proposed revisions to simplified proceedings, the standard for discontinuing simplified proceedings was a denial of "due process." The Commission believes that standard to be too strict. The unavailability of certain procedures may not violate due process, yet may make it difficult for the party to proceed with its case. The Commission is interested in maintaining fundamental fairness. It believes that discontinuing simplified proceedings when a party's ability to present its case is prejudiced best furthers that goal.

Simplified proceedings would also be discontinued upon consent of all the parties. § 2200.204(b). Should simplified proceedings be discontinued at a late stage, the Judge would have the authority to issue such rules and orders as are necessary for an orderly continuation of the case under conventional rules. § 2200.204(b).

Discovery Under Simplified Proceedings

It has been the Commission's experience that one of the major objections to proceeding under the simplified rules has been that, except where ordered by the Judge, discovery is not allowed. The parties have often been concerned that this restriction makes it difficult if not impossible to obtain information necessary to proceed with their case. As a result, the Commission proposes revising § 2200.210 to liberalize the availability of discovery during simplified proceedings. While discovery would continue to be restricted and could be obtained only under the Judge's order, the Judge's role would become more supervisory. It is expected that, where a need is shown, the Judge will issue an order allowing such discovery, and under such time limits, as the need indicates. Although, under the current rule, the Judge already has the authority to grant discovery, it is expected that, by explicitly granting the Judge the authority to control both its content and duration, it will become easier for the parties to obtain the discovery required to proceed with their case.

Conference/Hearing

The Commission expects that one of the most attractive and cost-effective aspects of simplified proceedings would be the conference/hearing. § 2200.207. After holding telephone discussions between the parties, as currently provided under § 2200.206, the Judge would hold a conference between the parties and attempt to resolve or narrow all remaining issues. At the conclusion of this conference, the Judge would read into the record any further agreements between the parties. § 2200.207(b). It is expected that most cases would be resolved at the telephone discussion and the conference.

In the event that issues remain to be resolved after the conference, however, the Judge would hold a hearing where the conventional rules of Subpart E would apply. § 2200.207(c). The parties would be allowed opening and closing arguments, and the opportunity to file briefs. § 2200.207(c)(2).

Post-Hearing Procedures

After issuance of the Judge's decision, the parties may petition the Commission for discretionary review. If review is granted, the case would proceed under conventional rules, where the usual procedures for briefing and oral argument would apply. § 2200.209.

Applicability of the Commission's Conventional Rules

Rule 212, § 2200.212, establishes which of the conventional rules in Subparts A through G are applicable to simplified proceedings. The Commission proposes to add the discovery rules in Subpart D to the list of inapplicable rules. Accordingly, discovery in simplified proceedings would be governed solely by § 2200.210, which would place the matter fully within the discretionary power of the Judge. The only rule in Subpart D that would still apply to simplified proceedings would be § 2200.57, which governs the issuance of subpenas.

When the Commission adopted the revised rule at § 2200.71, the Commission made the Federal Rules of Evidence applicable to conventional proceedings. The Commission proposes to retain the provision in present § 2200.207(c)(1) that states that the Federal Rules of Evidence are not applicable to simplified proceedings. Therefore, § 2200.71 would be added to the list of Commission rules that are inapplicable to simplified proceedings.

Finally, the Commission proposes to delete three rules from the present list of inapplicable rules. The rules are found at § 2200.6 (notification of record address), § 2200.39 (filing of statement of position), and § 2200.41 (failure to obey rules.) Other rules have been renumbered to take into consideration other proposed changes set forth in this document. The Commission has, therefore, taken into consideration its proposal to revise and consolidate current §§ 2200.34, 35, and 36 into § 2200.34. Also, because the Commission proposes a new § 2200.35 (Disclosure of corporate parents, subsidiaries, and affiliates) that it intends to apply during simplified proceedings, reference to that section has been deleted.

V. Other Amendments

Section 2200.4 Computation of Time

The Commission proposes to amend § 2200.4, which controls the computation of time for the filing of documents with the Commission.

Paragraph (a) is revised to clarify that in the case of a period of time less than eleven days, Saturdays, Sundays, and Federal holidays are excluded if the period would otherwise begin on a Saturday, Sunday, or Federal holiday, in addition to excluding such days when they come in the middle of the period.

Paragraph (b) is revised to clarify the language "[w]here service of a document * * * is made by mail pursuant to § 2200.7, three days shall be added to the prescribed period for the filing of a response." While none of the changes alter the substance of paragraph (b), they elucidate the relationship between the 3-day mail period and the actual response period in a manner which we think will be helpful to the parties and to the Commission's judges.

The revised language codifies Federal court decisions interpreting similar language in the then-current rule of the National Labor Relations Board. The courts concluded that the Board erred in ruling that exceptions to its judges' decision, which are due ten days after the date of the decision, had to be filed within thirteen calendar days when the decision is served by mail. Rather, the courts interpreted the Board's rule to require separate 10- and 3-day periods. *Peabody Coal Co.* v. *NLRB*, 709 F.2d 567 (9th Cir. 1983); *Kessler Inst. for Rehabilitation* v. *NLRB*, 669 F.2d 138 (3d Cir. 1982). The courts observed that otherwise the provisions of the Board's rule, which are similar to Commission rule 4(a) requiring the exclusion of intermediate and closing Saturdays, Sundays, and holidays, would not be effective.

At the same time, however, we believe that the additional 3-day period allowed when service has been made by mail should include initial or intermediate Saturdays, Sundays, and holidays, in order to prevent the period for response from becoming unduly protracted.

Finally, we propose that the Commission adopt the convention that the 3-day mail period should be determined by the prescribed response period. We believe that since the language providing for a mailing period reflects the time taken to mail the document to the responding party, it is most logical and consistent with the purpose of the rule to measure that time first.

The Commission also proposes to reorganize paragraph (b) to remove the last sentence and combine it with the first sentence. We believe that the reference to the inclusion of documents issued by the Commission and its judges is more logically placed in the scope provision at the beginning of the paragraph. We also believe that in view of the additional language to be inserted in paragraph (b), the reference to petitions for discretionary review would be confusing and out of place. Accordingly, we propose to add a new paragraph (c) dealing with petitions for discretionary review.

Section 2200.5 Extensions of Time

Under the current rule, parties are allowed to make oral motions for extensions of time, which must be followed by a written motion. The rule, however, fails to set a time limit for filing of the written motion. As a result, parties have, on occasion, allowed an inordinate period of time to elapse before filing their motions. The proposed revision would require the written motion to be filed with the Judge within three working days.

Also, the current rule requires that, when a party fails to request an extension of time before the time period expires, the party must establish good cause for the failure. The Commission proposes to clarify that the basis for the extension must be in writing.

Section 2200.7 Service and Notice

The Commission proposes to add a sentence to paragraph (a) to clarify that "[e]very order required by its terms to be served shall be served upon each of the parties and intervenors."

The Commission would also amend paragraph (c) by requiring that, to be effective, a party need be served only at its last known address. Where represented by counsel, that service would be at the attorney's last known address. All parties are required by § 2200.6 to keep the Commission informed of their current address. In several recent cases, that requirement has been ignored. As a result, the Commission has expended considerable resources attempting to locate the parties. By explicitly limiting the obligation of the serving party to serve other parties only at their last known address, the proposed amendment will, in effect, provide a sanction for failure to comply with § 2200.6. Also, as indicated earlier, the Commission is revising paragraph (c) to make facsimile transmission equivalent to personal delivery.

Section 2200.8 Filing

The Commission proposes revising § 2200.8 by redesignating paragraphs (a) through (d) as (b) through (e) and adding new paragraph (a) to clarify that all papers served on a party or intervenor, except those associated with a discovery request, shall be filed with the Commission shortly after service.

Also, as indicated earlier, the Commission is proposing to add paragraph (f) setting forth the rules governing the facsimile transmission of documents.

Section 2200.10 Severance

The purpose of this amendment is to clarify that the burden of showing good cause for severing a proceeding is upon the party or intervenor seeking severance.

Section 2200.20 Party Status

The proposed revision to paragraph (a) is grammatical and does not significantly alter the meaning of the rule.

Section 2200.24 Brief of an Amicus Curiae

The Commission proposes to add a new rule setting forth specific requirements for persons desiring to assume amicus status in a Commission proceeding. Much of this proposed rule codifies existing Commission practice.

Under the proposed rule, a brief of an amicus curiae may be filed only by leave of the Judge or Commission. While the rule allows the applicant to file its motion for leave with the brief, there is no guarantee that the motion will be granted. Therefore, where time permits, it is preferable for the applicant to obtain amicus status before filing its brief.

The motion for leave shall identify the interest of the applicant and shall state the reasons why its filing of a brief would be desirable. Generally, the brief of the amicus shall be filed within the time allowed the party whose position the amicus will support, unless the Judge or Commission, for good cause shown, allows the brief to be filed at some other time.

Section 2200.30 General Rules

The Commission proposes to redesignate paragraphs (d) through (g) as paragraphs (e) through (h) and to add a new paragraph (d) explicitly permitting adoption by reference of statements in different pleadings or in other parts of the same pleading.

Section 2200.32 Signing of Pleadings and Motions

This section states that by signing a document, the signer represents that, to the best of his knowledge, information and belief, the document is well grounded in fact and law, and that the document is not interposed for any improper purpose. Unfortunately, the

Commission has been faced with several violations of this rule. In order to stress the serious ramifications of such violations, the Commission proposes adding a provision to this section making it explicit that any party who signs a document in violation of this section is subject to default as set forth in § 2200.41.

Section 2200.40 Motions and Requests

As currently written, paragraph (a) allows motions to be made telephonically, but requires that such motions be reduced to writing "within a short time." The Commission proposes to tighten the rule by requiring that such motions be put in writing as soon as possible, but no later than three working days following the time the motion was made.

Section 2200.63 Stay of Proceedings

Currently, under paragraph (c) of this section, parties in a stayed proceeding are required to submit periodic reports to the Judge. However, the rule fails to indicate the frequency of such reports. This has resulted in the parties submitting reports on a random basis and, in some instances, not submitting any reports at all. As a result the Commission has had to issue orders, on a case by case basis, requiring parties to file the required reports. To standardize this practice, and to reduce the need for the Commission to issue these orders, the Commission proposes to amend paragraph (c) by requiring parties in stayed cases to submit their reports every ninety days.

Section 2200.64 Failure to Appear

Currently, paragraph (c) of this section allows the Judge, upon a showing of good cause, to excuse a parties' failure to appear and to reschedule the hearing. The Commission proposes to amend paragraph (c) by explicitly stating that the hearing be rescheduled as expeditiously as possible. The Commission considered proposing a time limit within which a hearing may be rescheduled, but rejected that approach because of the unforseeability of scheduling conflicts between the parties and the Judge. The Commission believes that, under the circumstances, a statement that rescheduled hearings should be held expeditiously would be sufficient to set forth the Commission's policy goal of maintaining a smooth flow of cases through the hearing process.

Section 2200.93 Briefs Before the Commission

As currently written, paragraph (c) requires that motions for extension of time to file briefs be filed no later than when the briefs are due. Under the usual practice, the parties have refrained from filing their motions for extension of time until the last possible moment. Given the vagaries of service, the other parties, on occasion, have had to wait several days after the due date, to receive the motion. Time limits for reply briefs are set by the date of service of their opponent's brief. Therefore, this last minute filing for extensions of time has created substantial inconvenience for parties seeking to file reply briefs. The Commission seeks to alleviate this problem by adding to paragraph (c) a requirement that any motion for extension of time be filed within three days prior to the expiration of the time period for filing the brief.

The Commission also proposes adding paragraph (i) to the section explicitly permitting a party who has been granted the status of amicus curiae to file a brief. An amicus will not, however, be allowed to file a reply brief.

Section 2200.95 Oral Argument Before the Commission

In June 1990, the Commission promulgated this section, setting forth rules for oral argument before the Commission. Generally, the Commission has been pleased with the operation of these rules. Nonetheless, practice has revealed several areas where amendments are warranted.

First, the Commission has found that parties are not sure when they should file motions requesting oral argument. As a result, they file their motions as early as possible in the review period, often long before briefs are requested. However, the Commission cannot assess the need for oral argument in most cases until it has had an opportunity to consider the briefs of the parties. Therefore, these early filed motions may remain pending for substantial periods before being considered, often leading a party to believe that its motion has been lost somewhere in the administrative labyrinth. The Commission seeks to correct this problem by amending paragraph (a) to explicitly inform all parties that motions for oral argument shall not be considered until after all briefs have been filed.

The Commission has also found that, where a party is represented by multiple counsel, the Commission is frequently not informed of the name of the counsel who will argue. Therefore, the Commission would add a sentence to paragraph (g) requiring that, within ten days of the date of the scheduled argument, parties who are represented by multiple counsel inform the Commission of the name of the counsel who will argue.

The Commission would also add new paragraph (j) that would prohibit a party who has not filed a brief from being heard at oral argument, except by permission of the Commission. Among the purposes of oral argument are to supplement information contained in the briefs and to provide a public forum for the parties in cases of particular significance. That is why the Commission generally does not consider motions for oral argument until the briefs are received, and why parties are not allowed to read their briefs at oral argument. § 2200.95(d)(4). Therefore, unless the Commission finds sufficient exigent circumstances to justify the failure to file a brief, any party that has forgone its opportunity to file its brief will not be given an opportunity to present its case at oral argument.

Finally, the Commission would add new paragraph (k) that would set forth rules allowing oral argument by an amicus curiae. An amicus curiae would be allowed to participate in the oral argument by leave of the Commission. The amicus would be required to file a motion for leave to participate no later than fourteen days prior to the date oral argument is scheduled. The motion would be required to state the interest of the amicus and to state the reasons why its participation at oral argument is desirable. Finally, any motion in opposition to the participation of the amicus would have to be filed within seven days of the date of the motion.

Section 2200.100 Settlement

The Commission would clarify paragraph (c) by explicitly stating that, where a settlement is served by posting, it will not be approved until at least ten days after posting, to permit consideration of any affected employee's or authorized employee representative's objection to the reasonableness of any abatement date. Currently, the rule requires that settlements not be approved until ten days after service, but makes no mention of service by posting. This amendment should clarify the required time period that must elapse before settlements could be approved when service is accomplished by posting.

Section 2200.107 Extraordinary Circumstances; Waiver of Rules

Currently, Rule 107 allows the Commission or Judge to waive a rule where the party seeking waiver establishes "special circumstances" justifying an exception from strict application of a rule or where "good

cause" is shown. The Commission proposes to amend § 2200.107 by replacing "or" with "and," thereby allowing a waiver of a rule only where there are "special circumstances" and where "good cause" is shown.

Virtually any time "good cause" would justify waiver from strict application of a rule, "special circumstances" would also exist. However, the current standard also allows an exception from a Commission rule under "special circumstances" where "good cause" may not exist, thereby opening the process to abuse. The Commission believes that the proposed amendment best conveys its intent to excuse compliance only when special circumstances beyond the control of the party makes strict compliance with a rule impossible or imposes substantial hardship.

List of Subjects in 29 CFR Part 2200

Administrative practice and procedure, Hearing and appeal procedures.

Text of Amendment

For the reasons set forth in the preamble, the Occupational Safety and Health Review Commission proposes to amend title 29, chapter XX, part 2200 of the Code of Federal Regulations as follows:

PART 2200—[AMENDED]

1. The authority citation continues to read as follows:

Authority: 29 U.S.C. 661(g).

2. Section 2200.4 is revised to read as follows:

§ 2200.4 Computation of time.

(a) *Computation.* In computing any period of time prescribed or allowed in these rules, the day from which the designated period begins to run shall not be included. The last day of the period so computed shall be included unless it is a Saturday, Sunday or Federal holiday, in which event the period runs until the end of the next day which is not a Saturday, Sunday, or Federal holiday. When the period of time prescribed or allowed is less than 11 days, the period shall commence on the first day which is not a Saturday, Sunday, or Federal holiday, and intermediate Saturdays, Sundays, and Federal holidays shall likewise be excluded from the computation.

(b) *Service by mail.* Where service of a document, including documents issued by the Commission or judge, is made by mail pursuant to § 2200.7, a separate period of three days shall be allowed, in addition to the prescribed period, for the filing of a response. This additional 3-day period shall commence on the calendar day following the day on which service has been made and shall include all calendar days; that is, paragraph (a) of this section shall not apply to the extent it requires the exclusion of Saturdays, Sundays, or Federal holidays. The prescribed period for the responsive filing shall commence on the first day following the expiration of the 3-day period which is not a Saturday, Sunday, or Federal holiday and shall exclude intermediate and closing Saturdays, Sundays, and Federal holidays, in accordance with the provisions of paragraph (a).

(c) *Exclusion.* Paragraph (b) of this section does not apply to petitions for discretionary review. The period of time for filing a petition for discretionary review is governed by § 2200.91(b).

3. Section 2200.5 is revised to read as follows:

§ 2200.5 Extension of time.

Upon motion of a party, for good cause shown, the Commission or Judge may enlarge any time prescribed by these rules or prescribed by an order. All such motions shall be in writing but, in exigent circumstances in cases pending before Judges, an oral request may be made and thereafter shall be followed by a written motion filed with the Judge within three working days. A request for an extension of time should be received in advance of the date on which the pleading or document is due to be filed. However, in exigent circumstances, an extension of time may be granted even though the request was filed after the designated time for filing has expired. In such circumstances, the party requesting the extension must show, in writing, the exigent circumstance for the party's failure to make the request before the time prescribed for the filing had expired. The motion may be acted upon before the time for response has expired.

4. Section 2200.7 is amended by revising paragraphs (a) and (c) to read as follows:

§ 2200.7 Service and notice.

(a) *When service is required.* At the time of filing pleadings or other documents, a copy thereof shall be served by the filing party or intervenor on every other party or intervenor. Every paper relating to discovery required to be served on a party shall be served on all parties. Every order required by its terms to be served shall be served upon each of the parties and intervenors.

* * * * *

(c) *How accomplished.* Unless otherwise ordered, service may be accomplished by postage pre-paid first class mail at the last known address or by personal delivery. Service is deemed effected at the time of mailing (if by mail) or at the time of personal delivery (if by personal delivery). Facsimile transmission of documents shall be considered personal delivery. Legibility of documents served by facsimile transmission is the responsibility of the serving party.

* * * * *

5. Section 2200.8 is revised to read as follows:

§ 2200.8 Filing.

(a) *What to file.* All papers required to be served on a party or intervenor, except for those papers associated with part of a discovery request under rules 52 through 56, shall be filed with the Commission either before service or within a reasonable time thereafter.

(b) *Where to file.* Prior to assignment of a case to a Judge, all papers shall be filed with the Executive Secretary at 1825 K Street, NW., suite 401, Washington, DC 20006. Subsequent to the assignment of the case to a Judge, all papers shall be filed with the Judge at the address given in the notice informing of such assignment. Subsequent to the docketing of the Judge's report, all papers shall be filed with the Executive Secretary, except as provided in § 2200.90(b)(3).

(c) *How to file.* Unless otherwise ordered, all filing may be accomplished by postage-prepaid first class mail or by personal delivery.

(d) *Number of copies.* Unless otherwise ordered or stated in this part:

(1) If a case is before a Judge or if it has not yet been assigned to a Judge, only the original of a document shall be filed.

(2) If a case is before the Commission for review, the original and four copies of a document shall be filed.

(e) *Filing date.* Filing is deemed effected at the time of mailing (if by mail) or at the time of personal delivery (if by personal delivery), except that petitions for discretionary review are deemed to be filed at the time of receipt. See § 2200.91.

(f) *Facsimile transmissions.* (1) Any document may be filed with the Commission or its Judges by facsimile transmission. Filing shall be deemed completed at the time that the facsimile transmission is received by the Commission or the Judge. The filed facsimile shall have the same force and effect as the original.

(2) All facsimile transmissions shall include a facsimile of the appropriate certificate of service.

(3) Within three (3) days after the Commission or the Judge has received the facsimile, the party filing the document shall forward to the Commission or the Judge a signed, original document and, where appropriate, the proper number of multiple copies.

(4) It is the responsibility of parties desiring to file documents by the use of facsimile transmission equipment to utilize equipment that is compatible with facsimile transmission equipment operated by the Commission. Legibility of the transmitted documents is the responsibility of the serving party.

6. Section 2200.10 revised to read as follows:

§ 2200.10 Severance.

Upon its own motion, or upon motion of any party or intervenor where a showing of good cause has been made by the party or intervenor, the Commission or the Judge may order any proceeding severed with respect to some or all issues or parties.

7. Section 2200.20 is amended by revising the first sentence of paragraph (a) to read as follows:

§ 2200.20 Party status.

(a) *Affected employees.* Affected employees and authorized employee representatives may elect party status concerning any matter in which the Act confers a right to participate. The election shall be accomplished by filing a written notice of election at least ten days before the hearing. * * *

* * * * *

8. Section 2200.24 is added to subpart B to read as follows:

§ 2200.24 Brief of an amicus curiae.

The brief of an amicus curiae may be filed only by leave of the Judge or Commission. The brief may be conditionally filed with the motion for leave. A motion for leave shall identify the interest of the applicant and shall state the reasons why a brief of an amicus curiae is desirable. Any amicus curiae shall file its brief within the time allowed the party whose position the amicus will support unless the Judge or Commission for cause shown shall grant leave for later filing, in which event the Judge or Commission shall specify within what period an opposing party may answer.

9. In § 2200.30, paragraphs (d) through (g) are revised and new paragraph (h) is added to read as follows:

§ 2200.30 General rules.

* * * * *

(d) *Adoption by reference.* Statements in a pleading may be adopted by reference in a different part of the same pleading or in another pleading or in any motion. A copy of any written instrument which is an exhibit to a pleading is a part thereof for all purposes.

(e) *Alternative pleading.* A party may set forth two or more statements of a claim or defense alternatively or hypothetically. When two or more statements are made in the alternative and one of them would be sufficient if made independently, the pleading is not made insufficient by the insufficiency of one or more of the alternative statements. A party may state as many separate claims or defenses as he has regardless of their consistency or the grounds on which they are based. All statements shall be made subject to the signature requirements of § 2200.32.

(f) *Content of motions and miscellaneous pleadings.* A motion shall contain a caption complying with § 2200.31, a signature complying with § 2200.32, and a clear and plain statement of the relief that is sought together with the grounds therefor. These requirements also apply to any pleading not governed by more specific requirements in this subpart.

(g) *Burden of persuasion.* The rules of pleading established by this subpart are not determinative in deciding which party bears the burden of persuasion on an issue. By pleading a matter affirmatively, a party does not waive its right to argue that the burden of persuasion on the matter is on another party.

(h) *Enforcement of pleading rules.* The Commission or the Judge may refuse for filing any pleading or motion that does not comply with the requirements of this subpart.

10. Section 2200.32 is amended by adding a sentence to the end of the section to read as follows:

§ 2200.32 Signing of pleadings and motions.

* * * If a pleading, motion or other paper is signed in violation of this rule, such signing party shall be subject to the sanctions set forth in § 2200.41.

11. Section 2200.34 is revised to read as follows:

§ 2200.34 Employer contests.

(a) *Complaint.* (1) The Secretary shall file a complaint with the Commission no later than 20 days after receipt of the notice of contest.

(2) The complaint shall set forth all alleged violations and proposed penalties which are contested, stating with particularity:

(i) The basis for jurisdiction;

(ii) The time, location, place, and circumstances of each such alleged violation; and

(iii) The considerations upon which the period for abatement and the proposed penalty of each such alleged violation are based.

(3) Where the Secretary seeks in his complaint to amend his citation or proposed penalty, he shall set forth the reasons for amendment and shall state with particularity the change sought.

(b) *Answer.* (1) Within 15 days after service of the complaint, the party against whom the complaint was issued shall file an answer with the Commission.

(2) The answer shall contain a short and plain statement denying those allegations in the complaint which the party intends to contest. Any allegation not denied shall be deemed admitted.

(3) The answer shall include all affirmative defenses being asserted. Such affirmative defenses include, but are not limited to, "infeasibility," "unpreventable employee misconduct," and "greater hazard."

(4) The failure to raise an affirmative defense in the answer may result in the party being prohibited from raising the defense at a later stage in the proceeding, unless the Judge finds that the party has asserted the defense as early as possible.

12. Section 2200.35 is revised to read as follows:

§ 2200.35 Disclosure of corporate parents, subsidiaries, and affiliates.

(a) *General.* All answers, petitions for modification of abatement period, or other initial pleadings filed under these rules by a corporation shall be accompanied by a separate declaration listing all parents, subsidiaries, and affiliates of that corporation or stating that the corporation has no parents, subsidiaries, or affiliates, whichever is applicable.

(b) *Failure to disclose.* The Commission or Judge in its discretion may refuse to accept for filing an answer or other initial pleading that lacks the disclosure declaration required by this paragraph. A party that fails to file an adequate declaration may be held in default after being given an opportunity to show cause why it should not be held in default.

(c) *Continuing duty to disclose.* A party subject to the disclosure requirement of this paragraph has a continuing duty to notify the Commission or the Judge of any change

in the information on the disclosure declaration until the Commission issues a final order disposing of the proceeding.

(d) *Show cause orders.* All show cause orders issued by the Commission or Judge under paragraph (b) of this section shall be served upon the affected party by certified mail, return receipt requested.

§ 2200.36 [Removed and reserved]

13. Section 2200.36 is removed and reserved.

14. Section 2200.40 is amended by revising paragraph (a) to read as follows:

§ 2200.40 Motions and requests.

(a) *How to make.* A request for an order shall be made by motion. Motions shall be in writing or, unless the Judge directs otherwise, may be made orally during a hearing on the record and shall be included in the transcript. In exigent circumstances in cases pending before Judges, a motion may be made telephonically if it is reduced to writing and filed as soon as possible but no later than three working days following the time the motion was made. A motion shall state with particularity the grounds on which it is based and shall set forth the relief or order sought. A motion shall not be included in another document, such as a brief or a petition for discretionary review, but shall be made in a separate document. Unless a motion is made by all parties, the moving party shall state in the motion any opposition or lack of opposition of which he is aware.

* * * * *

15. Section 2200.50 is added to subpart D to read as follows:

§ 2200.50 Mandatory interrogatories, consultation.

(a) *Standard interrogatories to be answered by the Secretary.* No later than forty-five days after the filing of the complaint, the Secretary shall file and serve on all parties answers to the following standard interrogatories.

(1) State with particularity what you contend the respondent did, or failed to do, which constitutes a violation of the Act.

(2) If a violation of section 5(a)(1) of the Act, the general duty clause, is alleged, identify with specificity the recognized hazard alleged to have existed at the worksite.

(3) If the violation is characterized as willful, repeated, or failure to abate, identify in detail the factual basis for such characterization.

(4) State with particularity how the factors set forth in section 17(j) of the Act resulted in all proposed penalties.

(5) State the full names, addresses, and telephone numbers of all lay witnesses whose testimony you may use at the hearing and describe the issues to which that testimony will relate.

(6) Identify by full name, address, and telephone number each person whom you expect to call as an expert witness at the hearing, and, as to each expert so identified, state the subject matter on which he is expected to testify, the substance of the facts and opinions to which he is expected to testify, and a summary of the grounds for each opinion.

(7) Outline in detail the discovery you anticipate you will pursue and state the time you estimate it will take you to complete each item of same, along with an explanation of how you compute said times.

(b) *Standard interrogatories to be answered by all respondents.* Twenty days after service of the Secretary's answers to the standard interrogatories, the respondent shall file and serve upon all parties answers to the following standard interrogatories.

(1) If the respondent is improperly identified, give its proper identification and state whether or not you have good cause to decline to accept service of an amended complaint reflecting the information furnished by you in answer hereto.

(2) State the full names, addresses, and telephone numbers of all lay witnesses whose testimony you may use at the hearing, and describe the issues to which that testimony will relate.

(3) Identify by full name, address, and telephone number each person whom you expect to call as an expert witness at the hearing, and, as to each expert so identified, state the subject matter on which he is expected to testify, the substance of the facts and opinions to which he is expected to testify, and a summary of the grounds for each opinion.

(4) Outline in detail the discovery you anticipate you will pursue in this case and state the time you estimate it will take you to complete each item of same, along with an explanation of how you compute said times.

(c) *Standard interrogatories to be answered by employees or their representative.* Where employees or their authorized representative file a notice of contest to the abatement date and the employer has not filed a notice of contest as to other issues, the employees or their authorized representative shall, within thirty days of the filing of their notice of contest, file and serve upon all parties answers to the following standard interrogatories. If the employer has also filed a notice of contest regarding other issues, the employees or their authorized representative shall file and serve upon all parties their answers to the following interrogatories no later than twenty days after filing of the Secretary's responses to the interrogatories set forth in paragraph (a) of this section.

(1) State with particularity all facts relevant to the contention that the abatement date set forth in the citation is inappropriate.

(2) Indicate what would be an appropriate abatement date and the factual basis for arriving at such date.

(3) State the full names, addresses, and telephone numbers of all lay witnesses whose testimony you may use at the hearing and describe the issues to which that testimony will relate.

(4) Identify by full name, address, and telephone number each person whom you expect to call as an expert witness at the hearing, and, as to each expert so identified, state the subject matter on which he is expected to testify, the substance of the facts and opinions to which he is expected to testify, and a summary of the grounds for each opinion.

(5) Outline in detail the discovery you anticipate you will pursue and state the time you estimate it will take you to complete each item of same, along with an explanation of how you compute said times.

(d) *Interrogatories to be filed by the Secretary and employer when employees contest the abatement date.* Twenty days after service of the employee's responses to the standard interrogatories, the respondent and the Secretary shall file and serve upon all parties answers to the following standard interrogatories.

(1) State with particularity all facts relevant to the contention that the abatement date set forth in the citation is appropriate.

(2) State the full names, addresses, and telephone numbers of all lay witnesses whose testimony you may use at the hearing and describe the issues to which that testimony will relate.

(3) Identify by full name, address, and telephone number each person whom you expect to call as an expert witness at the hearing, and, as to each expert so identified, state the subject matter on which he is expected to testify, the substance of the facts and opinions to which he is expected to testify, and a summary of the grounds for each opinion.

(4) Outline in detail the discovery you anticipate you will pursue and state the time you estimate it will take you to complete each item of same, along with an explanation of how you compute said times.

(e) *Inability to answer, changes in answers.* (1) In the event any question cannot be fully answered after the exercise of reasonable diligence, the party shall furnish as complete an answer as he can, explain in detail the reasons why he cannot give a full answer, and state what is needed to be done in order to be in a position to answer fully and estimate when he will be in that position.

(2) Each party is under a duty seasonably, and not more than ten days after receipt of the information in question, to amend a prior response if the party obtains information upon the basis of which (A) the party knows that the response was incorrect when made, or (B) the party knows that the response, though correct when made, is no longer true and the circumstances are such that a failure to amend the response is in substance a knowing concealment.

(f) *Additional interrogatories.* The judge may order the parties to answer additional interrogatories when, in his discretion, he determines that the particularities of the case so warrant.

(g) *Rules for answering interrogatories.* The following rules shall be adhered to by all parties in answering the foregoing interrogatories:

(1) All interrogatories must be answered fully in writing in accordance with Rules 11 and 33 of the Federal Rules of Civil Procedure.

(2) All answers to interrogatories must be signed by the party and its attorney, unless otherwise ordered by the judge. If time constraints prevent a party from signing responses to interrogatories, the attorney may file the interrogatories without the party's signature if an affidavit is filed simultaneously stating that properly executed responses to interrogatories will be filed within twenty days. Such time may be extended by order of the judge.

(3) In the event any question cannot be fully answered after the exercise of reasonable diligence, the party shall furnish as complete an answer as he can, explain in detail the reasons why he cannot give a full answer, state what is needed to be done in order to fully answer, and estimate when he will be in that position.

(h) *Right to additional discovery.* The requirement that standard interrogatories be answered in no way limits the rights of the parties to pursue discovery, including filing additional interrogatories, as they would have in the absence of said requirement.

16. Section 2200.51 is revised to read as follows:

§ 2200.51 Prehearing conferences and orders.

(a) *Scheduling conference.* (1) The Judge shall consult with all attorneys and any unrepresented parties, by a scheduling conference, telephone, mail, or other suitable means, and within thirty days after the filing of answers to the mandatory interrogatories, enter a scheduling order that limits the time:

(i) To join other parties and to amend the pleadings;

(ii) To file and hear motions; and

(iii) To complete discovery.

(2) The scheduling order also may include:

(i) The date or dates for conferences before hearing, a final prehearing conference, and hearing; and

(ii) Any other matters appropriate to the circumstances of the case.

(b) *Prehearing conference.* In addition to the prehearing procedures set forth in Fed.R.Civ.P.16, the Judge may upon his own initiative or on the motion of a party direct the parties to confer among themselves to consider settlement, stipulation of facts, or any other matter that may expedite the hearing.

17. Section 2200.52 is amended by revising paragraph (d) and adding paragraphs (h)–(m) to read as follows:

§ 2200.52 General provisions governing discovery.

* * * * *

(d) *Protective orders.* In connection with any discovery procedures and where a showing of good cause has been made, the Commission or Judge may make any order including, but not limited to, one or more of the following:

(1) That the discovery not be had;

(2) That the discovery may be had only on specified terms and conditions, including a designation of the time or place;

(3) That the discovery may be had only by a method of discovery other than that selected by the party seeking discovery;

(4) That certain matters not be inquired into, or that the scope of the discovery be limited to certain matters;

(5) That discovery be conducted with no one present except persons designated by the Commission or Judge;

(6) That a deposition after being sealed be opened only by order of the Commission or Judge;

(7) That a trade secret or other confidential research, development, or commercial information not be disclosed or be disclosed only in a designated way;

(8) That the parties simultaneously file specified documents or information enclosed in sealed envelopes to be opened as directed by the Commission or Judge.

* * * * *

(h) *Time limits.* Prehearing discovery in all cases filed with the Commission shall be completed within a period of ninety days following the filing of the final set of mandatory interrogatories required under Rule 50, unless the Commission or the Judge otherwise orders. The parties may pursue discovery during the period for filing mandatory interrogatories.

(i) *Supplementation of responses.* A party who has responded to a request for discovery with a response that was complete when made is under no duty to supplement the response to include information thereafter acquired, except as follows:

(1) A party is under a duty seasonably to supplement the response with respect to any question directly addressed to (A) the identity and location of persons having knowledge of discoverable matters and (B) the identity of each person expected to be called as an expert witness at the hearing, the subject matter on which the person is expected to testify, and the substance of the person's testimony.

(2) A party is under a duty seasonably to amend a prior response if the party obtains information upon the basis of which (A) the party knows that the response was incorrect when made or (B) the party knows that the response though correct when made is no longer true and the circumstances are such that a failure to amend the response is in substance a knowing concealment.

(3) A duty to supplement responses may be imposed by order of the Judge or Commission, agreement of the parties, or at any time prior to hearing through new requests for supplementation of prior responses.

(j) *Filing of discovery.* Interrogatories under rules 50 and 55 and the answers thereto, requests for production or inspection under rule 53, requests for admission under rule 54 and responses thereto, and depositions under rule 56 shall be served upon other counsel or parties, but shall not be filed with the Commission or the Judge. The party responsible for service of the discovery material shall retain the original and become the custodian.

(k) *Relief from discovery requests.* If relief is sought under rules 41 or 52(d), (e) or (f) concerning any interrogatories, requests for production or inspection,

requests for admissions, answers to interrogatories or responses to requests for admissions, copies of the portions of the interrogatories, requests, answers or responses in dispute shall be filed with the Judge or Commission contemporaneously with any motion filed under rules 41 or 52(d), (e) or (f).

(l) *Use at hearing.* If interrogatories, requests, answers, responses, or depositions are to be used at the hearing or are necessary to a prehearing motion which might result in a final order on any issue, the portions to be used shall be filed with the Judge or the Commission at the outset of the hearing or at the filing of the motion insofar as their use can be reasonably anticipated.

(m) *Use on appeal.* When documentation of discovery not previously in the record is needed for appeal purposes, upon an application and order of the Judge or Commission, the necessary discovery papers shall be filed with the Executive Secretary of the Commission.

18. Section 2200.53 is amended by revising paragraph (b) to read as follows:

§ 2200.53 Production of documents and things.

* * * * *

(b) *Procedure.* The request shall set forth the items to be inspected, either by individual item or by category, and describe each item and category with reasonable particularity. It shall specify a reasonable time, place and manner of making the inspection and performing related acts. The party upon whom the request is served shall serve a written response within 30 days after service of the request, unless the requesting party allows a longer time. The Commission or Judge may allow a shorter time or a longer time, should the requesting party deny an extension. The response shall state, with respect to each item or category, that inspection and related activities will be permitted as requested, unless the request is objected to in whole or in part, in which event the reasons for objection shall be stated. If objection is made to part of an item or category, that part shall be specified. To obtain a ruling on an objection by the responding party, the requesting party shall file a motion with the Judge and shall annex thereto his request, together with the response and objections, if any.

19. Section 2200.56 is amended by adding paragraphs (f) through (h) to read as follows:

§ 2200.56 Depositions.

* * * * *

(f) *Excerpts from depositions to be offered at the hearing.* Except when used for purposes of impeachment, at least five working days prior to the hearing, the parties or counsel shall furnish to the Judge and all opposing parties or counsel the excerpts from depositions (by page and line number) which he expects to introduce at the hearing. Four working days thereafter, the adverse party or the counsel for the adverse party shall furnish to the Judge and all opposing parties or counsel additional excerpts from the depositions (by page and line number) which he expects to be read pursuant to Fed.R.Civ.P. 32(a)(4), as well as any objections (by page and line number) to opposing party or counsel's depositions. With reasonable notice to the Judge and all parties or counsel, other excerpts may be read.

(g) *Telephone depositions.* (1) Telephone depositions may be conducted pursuant to Fed.R.Civ.P. 30(b)(7).

(2) If a party objects to a telephone deposition, he shall make known his objections at least five days prior to the taking of the deposition. If the objection is not resolved by the parties or the Judge before the scheduled deposition date, the deposition shall be stayed pending resolution of the dispute.

(h) *Video depositions.* By indicating in its notice of a deposition that it wishes to record the deposition by videotape (and identifying the proposed videotape operator), a party shall be deemed to have moved for such an order under Fed.R.Civ.P. 30(b)(4). Unless an objection is filed and served within ten days after such notice is received, the Judge shall be deemed to have granted the motion pursuant to the following terms and conditions:

(1) *Stenographic recording.* The videotaped deposition shall be simultaneously recorded stenographically by a qualified court reporter. The court reporter shall on camera administer the oath or affirmation to the deponents. The written transcript by the court reporter shall constitute the official record of the deposition for purposes of Fed.R.Civ.P. 30(e) (submission to witness) and 30(f) (filing; exhibits).

(2) *Cost.* The noticing party shall bear the expense of both the videotaping and the stenographic recording. Any party may at its own expense obtain a copy of the videotape and the stenographic transcript.

(3) *Video operator.* The operator(s) of the videotape recording equipment shall be subject to the provisions of Fed.R.Civ.P. 28(c). At the commencement of the deposition the operator(s) shall swear or affirm to record the proceedings fairly and accurately.

(4) *Attendance.* Each witness, attorney, and other person attending the deposition shall be identified on camera at the commencement of the deposition. Thereafter, only the deponent (and demonstrative materials used during the deposition) will be videotaped. Identification on camera of each witness, attorney, and other person attending the deposition may be waived by the attorneys for the parties.

(5) *Standards.* The deposition will be conducted in a manner to replicate, to the extent feasible, the presentation of evidence at a hearing. Unless physically incapacitated, the deponent shall be seated at a table or in a witness box except when reviewing or presenting demonstrative materials for which a change in position is needed. To the extent practicable, the deposition will be conducted in a neutral setting, against a solid background, with only such lighting as is required for accurate video recording. Lighting, camera angle, lens setting, and field of view will be changed only as necessary to record accurately the natural body movements of the deponent or to portray exhibits and materials used during the deposition. Sound levels will be altered only as necessary to record satisfactorily the voices of counsel and the deponent. Eating and smoking by deponents or counsel during the deposition will not be permitted.

(6) *Interruptions.* Videotape recording will be suspended during all "off the record" discussions.

(7) *Index.* The videotape operator shall use a counter on the recording equipment and after completion of the deposition shall prepare a log, crossreferenced to counter numbers, that identifies the positions on the tape at which examination by different counsel begins and ends; at which objections are made and examination resumes; at which exhibits are identified; and at which any interruption of continuous tape recording occurs, whether for recesses, "off the record" discussions, mechanical failure, or otherwise.

(8) *Filing.* The original of the tape recording, together with the operator's log index and a certificate of the operator attesting to the accuracy of the tape, shall be filed with the Executive Secretary of the Commission. No part of a videotaped deposition shall be released or made available to any member of the public unless authorized by the Commission or the Judge.

(9) *Objections.* Requests for prehearing rulings on the admissibility

of evidence obtained during a videotaped deposition shall be accompanied by appropriate pages of the written transcript. If the objection involves matters peculiar to the videotaping, a copy of the videotape and equipment for viewing the tape shall also be provided to the Commission or Judge.

(10) *Use at hearing; purged tapes.* A party desiring to offer a videotape deposition at the hearing shall be responsible for having available appropriate playback equipment and a trained operator. After the designation by all parties of the portions of a videotape to be used at the hearing, an edited copy of the tape, purged of unnecessary portions (and any portions to which objections have been sustained), must be prepared by the offering party to facilitate continuous playback; but a copy of the edited tape shall be made available to other parties at least ten days before it is used, and the unedited original of the tape shall also be available at the hearing.

20. Section 2200.57 is amended by revising paragraph (a) to read as follows:

§ 2200.57 Issuance of subpenas; petitions to revoke or modify subpenas; right to inspect or copy data.

(a) *Issuance of subpenas.* On behalf of the Commission or any member thereof, the Judge shall, on the application of any party, issue to the applying party subpenas requiring the attendance and testimony of witnesses and the production of any evidence, including relevant books, records, correspondence, or documents, in his possession or under his control. The party to whom the subpena is issued shall be responsible for its service. Applications for subpenas, if filed prior to the assignment of the case to a Judge, shall be filed with the Executive Secretary at 1825 K Street, NW., suite 401, Washington, DC 20006. After the case has been assigned to a Judge, applications shall be filed with the Judge. Applications for subpena(s) may be made ex parte. The subpena shall show on its face the name and address of the party at whose request the subpena was issued.

* * * * *

21. Section 2200.63 is amended by revising paragraph (c) to read as follows:

§ 2200.63 Stay of proceedings.

* * * * *

(c) *Periodic reports required.* The parties in a stayed proceeding shall be required to submit periodic reports on such terms and conditions as the Judge may direct. The length of time between the reports shall be no longer than ninety days unless the Commission or the Judge otherwise orders.

22. Section 2200.64 is amended by revising paragraph (c) to read as follows:

§ 2200.64 Failure to appear.

* * * * *

(c) *Rescheduling hearing.* The Commission or the Judge, upon a showing of good cause, may excuse such failure to appear. In such event, the hearing will be rescheduled as expeditiously as possible from the issuance of the Judge's order.

23. Section 2200.93 is amended by revising paragraph (c) and adding paragraph (i) to read as follows:

§ 2200.93 Briefs before the Commission.

* * * * *

(c) *Motion for extension of time for filing brief.* An extension of time to file a brief will ordinarily not be granted except for good cause shown. A motion for extension of time to file a brief shall be filed at the Commission within three days prior to the expiration of the time limit prescribed in paragraph (b) of this section, shall comply with § 2200.40 and shall include the following information: when the brief is due, the number and duration of extensions of time that have been granted to each party, the length of extension being requested, the specific reason for the extension being requested, and an assurance that the brief will be filed within the time extension requested.

* * * * *

(i) *Brief of an amicus curiae.* The Commission may allow a brief of an amicus curiae pursuant to the criteria of § 2200.24. Any brief of an amicus curiae must meet the requirements of paragraphs (b)–(h) of this section. No reply brief of an amicus curiae will be received.

24. Section 2200.95 is amended by revising paragraph (a)(1), by adding a sentence to the end of paragraph (g), and by adding paragraphs (j) and (k) to read as follows:

§ 2200.95 Oral argument before the Commission.

(a) *When ordered.* (1) Upon motion of any party, or upon its own motion, the Commission may order oral argument. Normally, motions for oral argument shall not be considered until after all briefs have been filed.

* * * * *

(g) *Multiple counsel.* * * * No less than ten days before the date of scheduled argument, the Commission must be notified of the names of the counsel who will argue.

* * * * *

(j) *Failure to file brief.* A party who fails to file a brief shall not be heard at the time of oral argument except by permission of the Commission.

(k) *Participation in oral argument by amicus curiae.* (1) An amicus curiae will not be permitted to participate in the oral argument without leave of the Commission upon proper motion.

(2) A motion by amicus curiae seeking leave to participate in oral argument shall be filed no later than fourteen days prior to the date oral argument is scheduled.

(3) The motion of an amicus curiae for leave to participate at oral argument shall identify the interest of the applicant and shall state the reason(s) why its participation at oral argument is desirable.

(4) Motions in opposition to the motion of an amicus curiae for leave to participate in the oral argument must be filed within seven days of the date of the motion.

25. Section 2200.100 is amended by revising paragraph (c) to read as follows:

§ 2200.100 Settlement.

(c) *Filing; service and notice.* A settlement submitted for approval after the Judge's report has been directed for review shall be filed with the Executive Secretary. When a settlement agreement is filed with the Judge or the Executive Secretary, proof of service shall be filed with the settlement agreement, showing service upon all parties and authorized employee representatives in the manner prescribed by § 2200.7(c) and the posting of notice to non-party affected employees in the manner prescribed by § 2200.7(g). The parties shall also file a final consent order for adoption by the Judge. If the time has not expired under these rules for electing party status, or if party status has been elected, an order terminating the litigation before the Commission because of the settlement shall not be issued until at least ten days after service or posting to consider any affected employee's or authorized employee representative's objection to the reasonableness of any abatement time. The affected employee or authorized employee representative shall file any such objection within this time. If such objection is filed or stated in the settlement agreement, the Commission or the Judge shall provide an opportunity for the affected employees or authorized employee representative to be heard and present evidence on the objection, which shall

be limited to the reasonableness of the abatement time.

* * * * *

26. Section 2200.107 is revised to read as follows:

§ 2200.107 Special circumstances; waiver of rules.

In special circumstances not contemplated by the provisions of these rules and for good cause shown, the Commission or Judge may, upon application by any party or intervenor or on their own motion, after three working days notice to all parties and intervenors, waive any rule or make such orders as justice or the administration of the Act requires.

27. Section 2200.200 paragraph (a) is revised to read as follows:

§ 2200.200 Purpose.

(a) The purpose of this subpart is to provide simplified procedures for resolving contests under the Occupational Safety and Health Act of 1970, so the parties before the Commission may save time and expense while assuring due process and a hearing that meets the requirements of the Administrative Procedure Act, 5 U.S.C. § 554. The rules shall be construed and applied to accomplish these ends.

* * * * *

28. Section 2200.201 is revised to read as follows:

§ 2200.201 Application.

The rules in this subpart shall govern proceedings before an Administrative Law Judge in a case eligible for simplified proceedings under § 2200.202 upon the request of a party and, if there is objection, the approval of the Chief Administrative Law Judge or such other judge to whom he has assigned the case.

29. Section 2200.202 is revised to read as follows:

§2200.202 Eligibility for simplified proceedings.

A case is eligible for simplified proceedings unless it concerns an alleged violation of a standard listed below:

§ 1910.94
§ 1910.95
§ 1910.96
§ 1910.97
§§ 1910.1000 through 1910.1200
§ 1926.52
§ 1926.53
§ 1926.54
§ 1926.55
§ 1926.57
§ 1926.800(c) and
Any occupational health standard that may be added to subpart Z of part 1910.

(All standards listed are found in title 29 of the Code of Federal Regulations)

30. Section 2200.203 is amended by revising paragraphs (a)(2), (a)(3), (b)(2), (b)(3), (b)(4), (c) and (d), by removing paragraph (a)(4), and by adding paragraph (e) as follows:

§ 2200.203 Commencing simplified proceedings.

(a) * * *

(2) *When to request.* After the Commission receives an employer's or employee's notice of contest or petition for modification of abatement, the Executive Secretary shall issue a notice indicating that the case has been docketed. Any request for simplified proceedings shall be filed within ten days after the notice of docketing is received, unless the notice of docketing states otherwise; a late-filed request may be considered only if good cause for the filing is shown.

(3) *How to request.* A simple statement is all that is necessary. For example, "I request simplified proceedings" will suffice. The request shall be in writing. The request shall be filed with the Executive Secretary and served on all of the following:

(i) The employer,

(ii) The Secretary of Labor, and

(iii) Any authorized employee representatives. The request also shall be posted for the benefit of any unrepresented affected employees. [To serve the Secretary of Labor, the request should be mailed to the Regional Solicitor named in the notice of docketing.]

(b) * * *

(2) *When to object.* An objection shall be filed within 10 days after the request for simplified proceedings is served.

(3) *How to object.* The objection must be stated in writing and explain why, under the particular circumstances of the case, simplified proceedings would cause the objecting party to suffer prejudice in the presentation of its case. An objection shall be filed with the Executive Secretary and served in the manner prescribed for requests for simplified proceedings in paragraph (a)(3) of this section.

(4) *No objection filed.* When the period for objecting to simplified proceedings expires and no objection has been filed, the Commission shall notify all parties that simplified proceedings are in effect.

(c) *Statements of position.* Any party may, within ten days after an objection to simplified proceedings is served, file with the Executive Secretary a statement of position on the objection.

(d) *Judge's ruling on objection.* If the objecting party shows that, under the particular circumstances of the case, simplified proceedings would prejudice it in the presentation of its case, the Judge shall order that the case be conducted under conventional rules. Otherwise, the Judge shall order the use of simplified proceedings. The order granting or denying the request shall not be subject to interlocutory review.

(e) *Time for filing complaint or answer under § 2200.34.* The times for filing a complaint or answer shall not run if a request for simplified proceedings is filed. If the Commission later notifies the parties under § 2200.203(d) that the case is to continue under conventional procedures, the periods for filing a complaint or answer shall begin upon receipt of the notice.

31. Section 2200.204 is revised to read as follows:

§ 2200.204 Discontinuance of simplified proceedings.

(a) *Procedure.* At any time, but no later than thirty days before the hearing, on his own motion or that of a party, the Administrative Law Judge to whom the case has been assigned may discontinue simplified proceedings. A motion to discontinue must be in writing and explain why, under the particular circumstances of the case, the moving party would be prejudiced in the presentation of its case by continuing under simplified proceedings. All other parties shall have five days from the date of the motion to state their position on the motion and the reasons therefor.

(b) *Ruling.* Simplified proceedings shall be discontinued if all parties consent or if the party seeking discontinuance shows that, under the particular circumstances of the case, its ability to present its case would be prejudiced by simplified proceedings. If simplified proceedings are terminated, the Judge may issue such orders as are necessary for an orderly continuation under conventional rules.

32. Section 2200.205 paragraph (a) is revised to read as follows:

§ 2200.205 Filing of pleadings.

(a) *Complaint and answer.* There shall be no complaint or answer in simplified proceedings. If the Secretary has filed a complaint under § 2200.35, a response to a petition under § 2200.37, or a response to an employee contest under § 2200.38, and simplified proceedings have been ordered or a motion for simplified

proceedings is pending, no response to these documents shall be required.

* * * * *

33. Section 2200.207 is amended by revising paragraph (b) and (c) as follows:

§ 2200.207 Conference/hearing.

* * * * *

(b) *Conference.* At the beginning of the conference, the Judge shall enter into the record all agreements reached by the parties as well as defenses raised during the discussion set forth in § 2200.206. The parties and the Judge then shall attempt to resolve or narrow the remaining issues. At the conclusion of the conference, the Judge shall enter into the record any further agreements reached by the parties.

(c) *Hearing.* The Judge shall hold a hearing on any issue that remains in dispute at the conclusion of the conference. The hearing shall be in accordance with Subpart E of these rules.

(1) *Evidence.* Oral, physical, or documentary evidence shall be received, but the Judge may exclude irrelevant, unduly repetitious or unreliable evidence. Testimony shall be given under oath or affirmation. The Federal Rules of Evidence shall not apply.

(2) *Oral and written argument.* Each party may present oral argument at the close of the hearing. At the conference/hearing, any party wishing to present written argument shall notify the judge and all other parties so that the Judge may set a reasonable period for the prompt filing of written argument.

34. Section 2200.209 is amended by revising paragraph (b) to read as follows:

§ 2200.209 Decision of the judge.

(b) Any party may petition for Commission review of the Judge's decision as provided in § 2200.91. After the issuance of the Judge's decision, the case shall proceed in the conventional manner prescribed in subpart F.

35. Section 2200.210 is revised to read as follows:

§ 2200.210 Discovery.

Discovery, including requests for admissions, shall not be allowed except under the conditions and time limits set by the Judge.

36. Section 2200.212 is revised to read as follows:

§ 2200.212 Applicability of subparts A through G.

The provisions of subpart D (except for § 2200.57) and §§ 2200.34, 2200.37(d)(5), 2200.38, 2200.71, and 2200.73 shall not apply to simplified proceedings. All other rules contained in subparts A through G of the Commission's rules of procedure shall apply when consistent with the rules in this subpart governing simplified proceedings.

Dated: May 6, 1992.

Edwin G. Foulke, Jr.,

Chairman.

Dated: May 6, 1992.

Donald G. Wiseman,

Commissioner.

[FR Doc. 92–11015 Filed 5–11–92; 8:45 am]

BILLING CODE 7600–01–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 80

[FRL 4130]

Proposed Approval of Colorado's Petition To Relax the Federal Reid Vapor Pressure Volatility Standard for Colorado in 1992 and 1993

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed rulemaking.

SUMMARY: In today's notice EPA is proposed to approve the State of Colorado's petition to relax until 1994 the Reid Vapor Pressure Standard (RVP) applicable to gasoline introduced into commerce from June 1 to September 15 in the Denver-Boulder ozone nonattainment area [1] from 7.8 pounds per square inches (psi) to 9.0 psi. Federal volatility standards were promulgated by EPA on June 11, 1990 [2] and further revised on December 12, 1991 [3], pursuant to section 211(h) of the Clean Air Act, as amended by the Clean Air Act Amendments of 1990 (the Act). Colorado's petition is based on evidence that the Denver-Boulder area does not need the 7.8 psi standard to maintain ozone attainment in the near term and that the 7.8 psi standard would impose significant costs on industry and consumers.

Under the recently revised regulations, the 7.8 psi standard is scheduled to take effect on June 1, 1992 for the Denver-Boulder area. EPA will be unable to take final action on the proposed rule prior to that date in a manner conforming to the rulemaking procedures prescribed by section 307(d) of the Clean Air Act prior to that date. EPA is therefore issuing in a separate notice in today's **Federal Register** a temporary direct final rule requiring an RVP standard of 9.0 psi for the Denver-Boulder area from June 1, 1992 until September 15, 1992.

DATES: If a hearing is held, comments must be received by June 26, 1992. If a hearing is not held, comments must be received by June 11, 1992. Please direct all correspondence to the addresses shown below.

The Agency will hold a public hearing on this proposed amendment if one is requested by May 19, 1992. If a public hearing is held, it will take place on May 27, 1992. To request a hearing, or to find if and where the hearing will be held, please call Alfonse Mannato at (202) 233–9308.

ADDRESSES: Comments should be submitted (in duplicate if possible) to Docket Section (LE–131), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460. A copy should also be sent to Mr. Alfonso Mannato at U.S. Environmental Protection Agency, Office of Air and Radiation, 401 M Street, SW. (6406–J), Washington, DC 20460.

Materials relevant to this rulemaking have been placed in Docket A–92–08 by EPA. The docket is located at the Air Docket Section (LE–131), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, in room M–1500 Waterside Mall may be inspected from 8:30 a.m. to 12 p.m. and from 1:30 p.m. to 3:30 p.m. Monday through Friday. A reasonable fee may be charged for copying docket material.

FOR FURTHER INFORMATION CONTACT: Alfonso Mannato, (202) 233–9038

SUPPLEMENTARY INFORMATION:

I. Introduction

This notice describes EPA's proposed action to approve Colorado's request to change the federal Reid Vapor Pressure (RVP) standard of 7.8 psi to 9.0 psi in the Denver-Boulder ozone nonattainment area from June 1 to September 15 until 1994. The remainder of this notice is divided into three parts. Section II provides the background for this action. Section III reviews the Colorado request. Finanlly, Section IV presents EPA's proposed action and rationale.

II. Backgound

On August 19, 1987, EPA proposed a two-phase national program to reduce summertime gasoline volatility [4]. EPA

[1] The Denver-Boulder area was designated by EPA as a transitional nonattainment area in the **Federal Register** on November 6, 1991 (56 FR 56694, 56735).

[2] 55 FR 23658 (June 11, 1990)

[3] 56 FR 64704 (December 12, 1991).

[4] 52 FR 31274 (August 16, 1987).

had found that gasoline had become increasingly volatile, which caused an increase in evaporative emissions from gasoline-powered sources. These emissions are volatile organic compounds (VOC), a precursor for ozone. These gasoline-related emissions are currently a major contributor to the nation's serious gound level ozone problems, which harms human health and the public welfare. The Agency published a Notice of Final rulemaking on March 22, 1989 that promulgated Phase I of the program to require VOC reductions that were available through refining changes that could be accomplished by the beginning of the 1989 summer ozone season, when they went into effect [5]. The Phase II volatility standards were finalized on June 11, 1990 [6]. These volatility standards are scheduled to go into efect beginning May 1, 1992.

The final fule for the Phase I program established a federal volatility standard in Colorado of 10.5 psi for the month of May, and 9.5 for June through September 15. The Phase II rule required a further reduction in the volatility standard to 9.0 psi for May and 7.8 psi for June 1 through September 15 beginning in 1992. The Phase I and Phase II standards were applicable on a statewide basis.

The Clean Air Act Amendments of 1990, however, established somewhat different requirements for the fuel volatility program. Section 211(h)(1) of the Act as amended requires that EPA promulgate regulations making it unlawful to sell, offer for sale, dispense, supply, offer for supply, transport, or introduce into commerce, gasoline with an RVP level in excess of 9.0 psi during the high ozone season as defined by the Administrator. It further provides that EPA shall establish more stringent RVP standards in nonattainment areas if EPA finds such standards are "necessary to achieve comparable evaporative emissions reductions, on a per vehicle basis, in such areas, taking into consideration the enforceability of such standards, the need of an area for emission control, and economic factors." Section 211(h)(2) prohibits the regulations from establishing a volatility standard more stringent than 9.0 psi in an attainment area, although it allows EPA to impose a lower standard in any former ozone nonattainment area which is redesignated as being in attainment.

On May 29, 1991, EPA published a Notice of Proposed Rulemaking which modified the Phase II summer ozone volatility standards to reflect new section 211(h) of the Act.[7] In this notice, EPA proposed that the RVP standard be 9.0 psi in all attainment areas where it was not already in place beginning in 1992. The effect of this proposal was to prohibit the sale of gasoline with a Reid Vapor Pressure above 9.0 psi during the summer ozone season in all areas designated attainment for ozone for 1992 and beyond. For areas that have been designated as nonattainment, EPA proposed that the original Phase II standards published on June 11, 1990 should not be changed. On December 12, 1991 EPA finalized these modifications.[8]

The Denver-Boulder metropolitan area is designated nonattainment for the ozone NAAQS. The nonattainment area encompass Denver's entire six-county Consolidated Metropolitan Statistical Area, with the exception of Rocky Mountain National Park in Boulder County and the eastern portions of Adams and Arapahoe Counties. Under the Phase II rule, the standard applicable in the Denver-Boulder nonattainment area beginning this year will be 7.8 psi from June 1 to September 15. The standard applicable in other areas of Colorado will be 9.0 psi from May 1 to September 15.

On November 6, 1991, EPA issued its ozone nonattainment designations in the **Federal Register** pursuant to section 107(d)(1)(C) of the Act, as amended. In the November 6, 1991 notice, EPA designated the Denver-Boulder nonattainment area to be a "transitional area" as determined under section 185(A) of the Act, as amended. A transitional area is "an area designated as an ozone nonattainment area as of the date of enactment of the Clean Air Act Amendments of 1990 [that] has not violated the national primary ambient air quality standard for ozone for the 36-month period commencing on January 1, 1987, and ending on December 31, 1989."

As stated in the preamble for the Phase II volatility controls [9] and reiterated in the proposed change to the volatility standards which was published on May 29, 1991,[10] EPA will rely on states to initiate changes to the EPA volatility program that they believe will enhance local air quality and/or increase the economic efficiency of the program, within the statutory limits. EPA provided a mechanism for the Governor of a state to request a less stringent volatility standard for some month or months, if the petition could demonstrate the existence of particular local economic impacts that made such changes appropriate and if the petition could demonstrate that sufficient alternative programs were available to achieve attainment and maintenance of the ozone National Ambient Air Quality Standards (NAAQS).

III. Colorado's Petition

On October 16, 1991, Governor Roy Romer requested EPA to amend the federal RVP standards for the Denver-Boulder ozone nonattainment area. The specific change requested is to relax the 7.8 psi standard for the Denver-Boulder nonattainment area to 9.0 psi for 1992 and 1993 only. The Governor further requests that the 7.8 psi standard take effect beginning in June of 1994, unless the State of Colorado specifically requests via the Colorado Ozone Maintenance SIP (to be submitted to EPA by June 1993) that the 9.0 psi standard be retained. EPA thus will treat this petition as a request for a two-year relaxation of the volatility standard for the Denver-Boulder nonattainment area to 9.0 psi until 1994. The 7.8 psi standard will apply in 1994 and later years unless EPA receives and approves a subsequent request from the Governor of Colorado to relax the standard again.

Governor Romer's request results from the recommendation of the Colorado Air Quality Control Commission (the Commission) relax the RVP standard. The Commission, a governor-appointed nine member citizen board that has been delegated regulatory review authority regarding all air related rulemakings by the Colorado legislature, recommended the relaxed RVP standard based upon testimony provided at a public hearing on August 15, 1991, and after consideration of the environmental and economic impact of the more restrictive federal standard. In forwarding this request to EPA, Governor Romer is following procedures stated in the preamble for the Phase II volatility rule.

As mentioned in section II, requests for changes to the federal volatility standard must include the following: (1) Documentation of the local economic impact of the otherwise applicable standard and (2) an indication that sufficient alternative programs are available to achieve attainment and maintenance of the ozone NAAQS.

A. The Commission's Hearing

The State of Colorado collected documentation regarding the local economic and air quality impact of relaxing the volatility standard from 7.8

[5] 54 FR 11868 (March 22, 1989).

[6] 54 FR 23658 (June 11, 1990).

[7] 56 FR 24242 (May 29, 1991).

[8] 56 FR 64704 (December 12, 1991).

[9] The Phase II final rulemaking established procedures by which states could petition EPA for more or less stringent volatility standards. 55 FR 23660 (June 11, 1990).

[10] 56 FR 24242 (May 29, 1991).

psi to 9.0 psi following a hearing held on August 15, 1991 on whether or not to recommend such a relaxation. The Air Pollution Control Division (APCD) of the Colorado Department of Health testified in support of a relaxation of the RVP standard to 9.0 psi and presented a draft resolution to the Commission for its adoption. Specifically, the APCD testified that the Denver-Boulder nonattainment area had not violated the NAAQS for ozone for the period from January 1, 1987 to December 31, 1989. Specifically, the APCD also testified that the 1990 and 1991 data (as of August 14, 1991) indicated that there were no days in 1990 or 1991 in which ozone levels exceeded the federal ozone standard. Moreover, the APCD noted that the volatility standard for the Denver-Boulder nonattainment area from 1989–1991 was 9.5 psi, which is higher than the 9.0 psi standard APCD recommended. On that basis, APCD concluded that the Denver-Boulder area would likely be classified as a transitional area under section 185(A) and that the area would not require the 7.8 psi standard to maintain compliance with the ozone NAAQS at least in 1993 and 1994. It therefore recommended that a relaxation of the 7.8 psi standard to 9.0 be sought.

Conoco testified in support of the waiver, and indicated that the capital cost of Conoco of meeting the 7.8 psi standard would be $4,800,000. Sinclair Oil Corporation and Frontier Oil Corporation submitted joint comments to the Commission. These parties did not calculate individual costs of compliance, but used EPA's estimated cost differential between gasoline at 7.8 psi and 9.0 psi of 1.1 cents per gallon to demonstrate that the tighter standard would cost approximately $10,000,000 statewide each year. (However, as discussed below, since the standard does not apply statewide, the proper calculation of increased cost should be based on the impact of the 7.8 psi standard solely in the Denver-Boulder nonattainment area.) These parties also pointed out that, previous to 1989, the gasoline volatility standard had been 10.5 psi and the ozone standard had not been violated. Amoco Oil Company also testified in support of the request stating that as a result of local factors, including that gasoline in the Denver-Boulder area is mostly supplied by smaller refiners with high distribution costs, the cost of the 7.8 psi standard may be twice as high as the estimate made by Sinclair and Frontier.

The Environmental Defense Fund (EDF) and the Motor Vehicle Manufacturers Association (MVMA) testified against the proposed action EDF based its objections on its view that the current federal NAAQS for ozone of 0.12 parts per million (ppm) does not protect human health and should be lowered to 0.08 ppm or 0.09 ppm. MVMA supported the 7.8 psi standard because lower RVP gasoline enhances driveability in high temperature and high elevation areas and because use of lower RVP gasoline will result in a reduction in grams of evaporative emissions per mile. However, MVMA testified that there is little, if any, difference in driveability between the use of 9.0 psi gasoline and the use of 7.8 psi gasoline. Also, MVMA did not testify that the use of 9.0 psi current gasoline in the Denver-Boulder area in 1992 and 1993 would endanger that area's current compliance status.

In a letter to EPA, several members of the United States Congress pointed out that the 7.8 volatility standard for the Denver -Boulder area also affects the State of Wyoming, as refiners located in the State supply the Denver area market.

The December 20, 1991 letter signed by three members of Wyoming's Congressional delegation stated their concerns that a tighter volatility standard would have an adverse effect on gasoline supplies, the price of gasoline, and on the economic condition of the refiners in Wyoming due to significant capital investment to efficiently comply with the 7.8 psi standard. All of Wyoming is in attainment with the ozone NAAQS.

The hearing transcript, all written comments, and additional supporting materials submitted to EPA after the hearing are available for public review in docket A–92–08 at the address and times listed above.

B. Sufficient Alternative Programs

Because Colorado has been for several years with RVP standards high as 9.5 psi and remains in ozone attainment, EPA does not believe it is necessary for the the state to show that sufficient alternative programs are in place to provide for attainment of the ozone NAAQS. EPA approved the Ozone State Implementation Plan (SIP) of the Denver-Boulder area in 1983.[11] This plan relied upon emission reductions from the Federal Motor Vehicle Control Program and the Inspection and Maintenance Program to provide for attainment of the ozone NAAQS by the statutory deadline of December 31, 1987. Since the beginning of 1984, none of the area's several ozone air quality monitors has recorded a violation of the ozone NAAQS.[12] Because the available data showed no violations, EPA did not issue a call for a revised Ozone SIP in 1988 when SIP-calls were issued for many areas around the country. As noted above, the area is currently classified as a "Transitional" area under section 185(A) of the Act. Under these circumstances, Colorado need not provide for alternative ozone control programs in order to obtain a relaxation of the RVP standard to 9.0 psi.

IV. EPA's Proposed Action

A. Relaxation of Reid Vapor Pressure Standards

EPA is proposing to approve the State of Colorado' request to relax the federal volatility standard for the Denver-Boulder nonattainment area until 1994 from the current standard of 7.8 psi to 9.0 psi. Based on the petition and the evidence submitted on behalf of Governor Romer and based on EPA's own analysis of the costs of implementation of the 7.8 psi standard and the environmental need for the 7.8 psi standard, EPA believes that the proposed action is justified. Section 211(h) of the Act requires EPA to promulgate regulations that shall establish RVP standards in an attainment area that are more stringent than 9.0 psi "as the Administrator finds necessary to generally achieve comparable evaporative emission (on a per-vehicle basis) in nonattainment areas taking into consideration the enforceability of such standards, the need of an area for emission control, and economic factors." The petition and available evidence sufficiently indicates that retention of the 7.8 psi standard would impose significant cost on consumers and industry relative to a 9.0 psi standard, and that the 7.8 psi standard is not necessary for emission control at this time in light of the current transitional status of the Denver-Boulder area.

As discussed in the May 29, 1991 [13] notice EPA estimates that the 7.8 psi standard will increase the cost of gasoline by approximately 1.1 cents per gallon ove the 9.0 psi standard. Based upon U.S. Department of Transportation estimates of gasoline sold in Colorado, EPA estimates of refinery costs, and Colorado Department of Health estimates of the number of mobile

[11] 48 FR 55284 (December 12, 1983).

[12] EPA has ongong concerns with the quality of some of the ozone data and the geographic coverage of the monitoring network, and is working with Colorado to resolve these issues.

[13] 56 FR 24246 (May 29, 1991).

sources in the Denver-Boulder area, EPA believes that it will cost refiners an additional $3,500,000 to $4,000,000 per year to reduce volatitity for 9.0 psi to 7.8 psi gasoline for the Denver-Boulder area during the summer ozone season. The analysis underlying this estimate is set forth in a memorandum to the docket titled "Colorado Phase II Implementation: Industry Cost Analysis."

As noted earlier, the Denver-Boulder area has been in attainment with the ozone NAAQS since 1984 and was accordingly classified as a transitional area. Because of that classification, EPA is required to determine, by June 30, 1992, whether the area has in fact attained the ozone standard by December 31, 1991. If the Administrator determines that the area has attained the standard, the State is required to submit, within 12 months of the determination, a maintenance plan meeting the requirements of section 175(A) of the Act. EPA's preliminary data indicates that the Denver-Boulder area did attain the ozone standard for 1991.[14]

The subsequent maintenance plan must show that the ozone standard will be maintained for a period of at least 10 years. The development of this maintenance plan will give the State an opportunity to conduct a comprehensive air quality modeling exercise to determine what control measures will be necessary to provide for maintenance of the ozone NAAQS. Along with the existing SIP measures, tighter gasoline volatility and other strategies may be evaluated to determine the most appropriate and cost-effective strategy for maintaining the ozone NAAQS.

EPA believes that the Denver-Boulder area's record of compliance with the ozone NAAQS, together with the State's opportunity, and obligation, to provide for continued compliance with the NAAQS in its maintenance SIP, provide adequate assurance that the Denver-Boulder area will not need the 7.8 standard in the near term to comply with the current ozone standard. EPA recognizes the possibility that the ozone standard may be revised in the future, as EDF suggests, but the Agency cannot base its decision on Colorado's petition on what would amount to no more than speculation as to the outcome of any rulemaking to revise that ozone standard. Unless and until EPA completes a notice and comment rulemaking regarding states to provide for attainment or maintenance of a different standard. Colorado, moreover, has asked for only a two-year relaxation of the 7.8 psi standard, until 1994. That period will provide Colorado with sufficient time for development of the maintenance plan, which will in turn ensure continued compliance with the ozone NAAQS.

Because of growing population and vehicle miles traveled in the Denver-Boulder area, EPA has some concern regarding whether sufficient controls are available to provide for maintenance of the ozone NAAQS over the long term. However, ongoing vehicle fleet turnover will continue to reduce overall mobile source emissions of VOCs, as will several new requirements of the Clean Air Act Amendments (such as tighter tailpipe emissions standards for light-duty vehicles and light-duty trucks, longer useful life definitions, on-board diagnostic equipment, and enhanced inspection and maintenance).

In any event, the State has committed to developing a maintenance plan for ozone to be submitted by June of 1993. Through this plan, the State will determine whether additional control measures will be necessary to provide for continued levels of ozone below the NAAQS for the next ten years. EPA believes that air quality will be protected by the ongoing control programs and the 0.5 psi additional volatility control provided by a 9.0 psi standard while the maintenance plan is being developed. The volatility standard for Denver-Boulder will automatically drop to 7.8 psi in 1994 unless additional action by the Commission and the Governor, backed by a comprehensive air quality analysis, is taken to extend the 9.0 psi standard.

EPA proposes to apply to 9.0 psi standard until 1994 to avoid burdening consumers and industry with costs that are unnecessary in light of current and past ozone monitoring data based on this analysis.

V. Environmental Impact

The proposed amendment is not expected to have any adverse environmental effects. The Denver-Boulder six county nonattainment area has met the NAAQS since 1984. Air quality is expected to be further enhanced by a 9.0 psi standard which represents a 0.5 psi reduction in current Phase I levels.

VI. Economic Impact

The proposed relaxation of the 7.8 psi standard to 9.0 psi will result in a cost reduction in refining, and increase summertime gasoline supply levels. For each summer, this translates into approximately a 1.1 cent per gallon cost savings to consumers at the pump.

VII. Administrative Requirements

Pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601 through 612, whenever an agency is required to publish a general notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis which describes the impact of the rule on small entities (i.e., small businesses, small organizations and small governmental jurisdictions). The Administrator may certify, however, that the rule will not have a significant impact on a substantial number of small entities. In such circumstances, a regulatory flexibility analysis is not required.

Under section 605 of the Regulatory Flexibility Act, I certify that these proposed regulations will not have a significant impact on a substantial number of small entities. The proposed regulatory revision should have positive economic impact. These proposed regulations, therefore, do not require a regulatory flexibility analysis.

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement that a Regulatory Impact Analysis be prepared. Major regulations have an annual effect on the economy in excess of $100 million, have a significant adverse impact on competition, investment, employment or innovation, or result in a major price increase. The action proposed in the rulemaking package does not constitute a major rule according to the established criteria. In fact, as discussed above, this action will reduce the cost of compliance with Federal requirements in this area. Therefore, I have determined that this proposal does not constitute a "major" rule.

This proposed regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291. Any written comments from OMB and any EPA response to those comments have been placed in the public docket for this rulemaking.

Under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501, EPA must obtain OMB clearance for any activity that will involve collecting substantially the same information from 10 or more non-Federal respondents. This proposed rule does not create any new information requirements or contain any new information collection activities.

The statutory authority for the action proposed in this notice today is granted to EPA by sections 114, 211, 301(a), and

[14] Preliminary ozone monitoring data is provided in this docket.

307 of the Clean Air Act as amended (42 U.S.C. 7414, 7545, 7601(a), and 7607).

List of Subjects in 40 CFR Part 80

Fuel additives, Gasoline, Labeling, Motor vehicle pollution, Penalties, and Reporting and recordkeeping requirements.

Dated: April 30, 1992.

William K. Reilly,

Administrator.

For the reasons set forth in the preamble, part 80 of title 40 of the Code of Federal Regulations is proposed to be amended as follows:

PART 80—REGULATION OF FUELS AND FUEL ADDITIVES

1. The authority citation for part 80 continues to read as follows:

Authority: Sections 114, 211(c), 211(h), and 301(a) of the Clean Air Act as amended, 42 U.S.C. 7414, 7545(c), 7545(h), and 7601(a).

2. Section 80.27 is proposed to be amended by revising the entry for "Colorado" in the table in paragraph (a)(2) to read as follows:

§ 80.27 Controls and prohibitions on gasoline volatility.

(a) * * *

(2) Applicable Standards [1] 1992 and Subsequent Years.

State	May	June	July	August	September
* * * *	*	*	*	*	
Colorado [1]	9.0	9.0	9.0	9.0	9.0
* * * *	*	*	*	*	

[1] The standard for 1994 and subsequent years in the Denver-Boulder nonattainment area will be 7.8 for June 1 through September 15.

[FR Doc. 92–10981 Filed 5–11–92; 8:45 am]
BILLING CODE 6560–50–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 1

[GC Docket No 91–119; FCC 92–197]

Use of Alternative Dispute Resolution Procedures

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

The Commission is undertaking a pilot project under the Administrative Dispute Resolution Act (ADRA), Public Law No. 101–552 (Nov. 15, 1990), which authorizes administrative agencies to use mediation, arbitration and other consensual methods of dispute resolution in proceedings in which the Commission is a party. The ADRA could be read as inapplicable to those proceedings before the Commission in which the Commission is the deciding body but is not itself a party. Therefore, the purpose of the Notice of Proposed Rule Making (NPRM) is to make it clear that all alternative dispute resolution procedures contained in the ADRA, particularly the confidentiality protections, will apply in all proceedings before the Commission, including those proceedings to which the Commission itself is not a party. The purpose of the Second Notice of Inquiry is to gather information from the public to assist us in determining whether an FCC roster of neutrals is necessary and, if so, what types of standards should be used to determine eligibility for inclusion on and deletion from the FCC roster.

DATES: Comments are due on or before June 4, 1992 and Reply Comments are due on or before June 19, 1992.

ADDRESSES: Federal Communications Commission, 1919 M Street NW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Sharon Kelley, (202) 632–6990.

SUPPLEMENTARY INFORMATION:

I. Introduction and Background

1. On September 26, 1991, the Commission adopted an Initial Policy Statement and Order, 56 FR 51178 (October 10, 1991), 6 FCC Rcd 5669 (1991), encouraging the use of alternative dispute resolution (ADR) procedures in its administrative proceedings, as authorized under the Administrative Dispute Resolution Act (ADRA), and Negotiated Rulemaking Act (NRA). In the Initial Policy Statement and Order, we indicated that the Commission's primary objective was to implement the ADRA and NRA by encouraging the use of alternative dispute resolution procedures, including negotiated rulemaking, where such practice is consistent with our statutory mandate.

2. In furtherance of this objective, the Commission also adopted a general provision in part 1 of the Commission's rules, recognizing the adoption of our Initial Policy Statement, and encouraging the use of ADR techniques in proceedings where it will serve the public interest. At the same time, we committed ourselves to initiating an ADR pilot project to test the effectiveness of ADR procedures in the resolution of formal complaints brought pursuant to section 208 of the Communications Act, 47 U.S.C. 208. Section 1.732 of the Commission's rules provides that parties to section 208 complaints may be directed to attend a settlement conference presided over by the Enforcement Division, Common Carrier Bureau. We indicated that, under the auspices of our ADR pilot project, parties will be encouraged during these settlement conferences to resolve their disputes through ADR procedures. We also emphasized, however, that the consent of all parties is required before ADR methods will be used, and parties who decide not to participate will not be penalized. We are launching this proceeding to clarify that ADRA procedures, particularly the confidentiality protections, apply to all proceedings before the Commission, including those proceedings to which the Commission itself is not a party, and to seek gudiance as to whether the Commission should maintain its own roster of "neutrals" (persons who perform mediation and conciliation functions).

II. Discussion

A. Notice of Proposed Rulemaking: Scope of the ADRA

3. Although the legislative history suggests that the ADRA should be broadly construed, some uncertainty has arisen concerning the applicability of this statute. Section 582(a) of the ADRA provides that an agency may use ADR to resolve an issue in controversy. 5

[1] Standards are expressed in pounds per square inch (psi)

U.S.C. 582(a). The Commission wants to amend its rules to clarify that the ADRA procedures, particularly the confidentiality protections, apply to all proceedings before the Commission, including those proceedings to which the Commission itself is not a party. The Interstate Commerce Commission already has proposed to amend its rules to clarify that ADRA procedures will also apply to proceedings to which the agency itself is not a party. We believe that similar measures should be taken by the Commission so that the anticipated success of our ADR pilot project is not compromised.

B. Second Notice of Inquiry: FCC Roster of Neutrals

4. Section 583(c) of the ADRA specifically requires the Administrative Conference of the United States to establish standards for neutrals, as well as maintain a roster of individuals who meet such standards, for the use of agencies and parties who are interested in ADR. 5 U.S.C. 583(c). We are concerned, however, that the current ACUS roster is not sufficiently tailored to meet the Commission's particular needs and those of the parties that come before the Commission. Thus, we seek guidance from the public as to whether an FCC roster of neutrals appears to be necessary, and, if so, how the Commission should go about establishing a roster.

III. Conclusion

5. The Commission encourages public comments on the above issues so that the affected public, including members of the communications bar and industry, may be closely involved in the development of policies and procedures to implement ADR procedures Commission-wide. To assist us in our efforts, we ask that all comments contain as full an explanation as possible, especially concerning whether the Commission should develop a roster and, if so, how the Commission should develop eligibility criteria.

IV. Procedural Matters

6. Pursuant to the applicable procedures set forth in §§ 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415 and 1.419, interested parties may file comments on or before June 4, 1992 and reply comments on or before June 19, 1992. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. To file formally in this proceeding, participants must submit an original and four copies of all comments, reply comments, and supporting documents. If participants want each Commissioner to receive a personal copy of their comments, an original and nine copies must be filed. Comments and reply comments should be sent to the Office of the Secretary, Federal Communications Commission, 1919 M Street, NW., Washington, DC 20554. Comments and reply comments will be available for public inspection during regular business hours in the Dockets Reference Room, (room 239), of the Federal Communications Commission.

7. The Notice of Proposed Rulemaking is a non-restricted notice and comment proceeding. With respect to this portion of our proceeding, *ex parte* presentations are permitted, except during the Sunshine Agenda period, provided they are disclosed as provided in Commission rules. See generally 47 CFR §§ 1.1202, 1.1203, and 1.1206(a). As to the Second Notice of Inquiry aspect of this proceeding, no *ex parte* restrictions apply.

8. Authority to conduct this inquiry is given in sections 4(i), 4(j), 303(r) and 403 of the Communications Act, 5 U.S.C. 154(i), (j), 303(r), 403 and the Administrative Dispute Resolution Act, Public Law No. 552, 101st Cong., 2d Sess. (Nov. 15, 1990); 5 U.S.C. 582, 584–586.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

Rule Change

List of Subjects in 47 CFR Part 1

Administrative practice and procedure.

Rule Change

Part 1 of title 47 of the CFR is amended as follows:

PART 1—[AMENDED]

1. The authority citation for part 1 continues to read as follows:

Authority: Secs. 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303; Implement, 5 U.S.C. 552, unless otherwise noted.

2. Section 1.18 is amended by designating the existing paragraph as paragraph (a) and adding a new paragraph (b) to read as follows:

§ 1.18 Administrative dispute resolution.

(a) * * *

(b) In accordance with the Commission's policy to encourage the fullest possible use of alternative dispute resolution procedures in its administrative proceedings, procedures contained in the Administrative Dispute Resolution Act, including the provisions dealing with confidentiality, shall also be applied in Commission alternative dispute resolution proceedings in which the Commission itself is not a party to the dispute.

[FR Doc. 92–11123 Filed 5–11–92; 8:45 am]

BILLING CODE 6712-01-M

Notices

Federal Register
Vol. 57, No. 92
Tuesday, May 12, 1992

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Committee on Adjudication; Public Hearing

Pursuant to the Federal Advisory Committee Act (Pub. L. No. 92–463), notice is hereby given of a hearing before the Committee on Adjudication of the Administrative Conference of the United States. The hearing will be from 2 p.m. to 5 p.m., on Wednesday, June 17, 1992, in Courtroom 2, National Courts Building, 717 Madison Place, Washington, DC.

The Administrative Conference of the United States, at the request of the Office of Personnel Management, has undertaken a study of the "administrative judiciary," with the object of making recommendations on a number of subjects relating to administrative law judges and non-ALJ adjudicators. The report is being prepared by a team of consultants, and the Committee on Adjudication will be considering the report and developing recommendations in public meetings over the summer. The public hearing is intended to provide interested persons an opportunity to present their views on the issues raised by the report before the Committee begins its discussions.

Copies of the draft report will be available in mid-May from Nancy G. Miller, Office of the Chairman, Administrative Conference of the United States, 2120 L Street, NW., suite 500, Washington, DC 20037, (202) 254–7020. People who are interested in speaking at the hearing must contact Ms. Miller by May 29, 1992. Speakers will be asked to limit their remarks to approximately 10 minutes. Written statements will also be accepted. Please submit 20 copies by Wednesday, June 10, 1992. The hearing will be transcribed. The hearing will be open to the public, but limited to the space available.

For further information about this hearing, contact Nancy G. Miller.

Jeffrey S. Lubbers,

Research Director.

[FR Doc. 92–11027 Filed 5–11–92; 8:45 am]

BILLING CODE 6110-01-M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 576]

Resolution and Order Approving With Restriction the Application of the Port of Houston Authority for Special-Purpose Subzone Status Shaffer, Inc., Plant (Oil Drilling Equipment) Harris County, TX

Proceedings of the Foreign-Trade Zones Board, Washington, DC.

Resolution and Order

Pursuant to the authority granted in the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a-81u), the Foreign-Trade Zones Board (the Board) adopts the following Resolution and Order:

The Board, having considered the matter, hereby orders:

After consideration of the application of the Port of Houston Authority, grantee of FTZ 84, filed with the Foreign-Trade Zones Board (the Board) on April 16, 1991, requesting special-purpose subzone status at the oil drilling equipment manufacturing plant of Shaffer, Inc., in Harris County, Texas, the Board, finding that the requirements of the Foreign-Trade Zones Act, as amended, and the FTZ Board's regulations would be satisfied, and that the proposal would be in the public interest if approval were subject to a restriction requiring that privileged-foreign status (19 CFR 146.65) shall be elected on all foreign merchandise that is subject to Column 2 duty rates (non-MFN merchandise) at the time of admission to the subzone, approves the application subject to the foregoing restriction.

Approval is subject to the FTZ Act and the FTZ Board's regulations (as revised, 56 FR 50790–50808, 10/8/91), including § 400.28. The Secretary of Commerce, as Chairman and Executive Officer of the Board, is hereby authorized to issue a grant of authority and appropriate Board Order.

Grant of Authority for Subzone Status

Whereas, by an Act of Congress approved June 18, 1934, an Act "To provide for the establishment * * * of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes," as amended (19 U.S.C. 81a-81u) (the Act), the Foreign-Trade Zones Board (the Board) is authorized to grant to corporations the privileges of establishing foreign-trade zones in or adjacent to U.S. Customs ports of entry;

Whereas, the Board's regulations (15 CFR part 400) provide for the establishment of special-purpose subzones when existing zone facilities cannot serve the specific use involved, and where a significant public benefit will result;

Whereas, the Port of Houston Authority, grantee of FTZ 84, has made application (filed 4-16-91, FTZ Docket 24-91, 56 FR 21472, 5-9-91) to the Board for authority to establish a special-purpose subzone at the oil drilling equipment manufacturing plant of Shaffer, Inc., in Harris County, Texas;

Whereas, notice of said application has been given and published, and full opportunity has been afforded all interested parties to be heard; and,

Whereas, the Board has found that the requirements of the Act and the Board's regulations would be satisfied and that the proposal would be in the public interest if approval were given subject to the restriction in the resolution accompanying this action;

Now, therefore, the Board hereby authorizes the establishment of a subzone at the Shaffer, Inc., plant in Harris County, Texas, designated on the records of the Board as Foreign-Trade Subzone 84H, at the location described in the application, subject to the restriction in the resolution accompanying this action, and to the Act and the Board's Regulations (as revised, 56 FR 50790-50808, 10/8/91), including § 400.28.

Signed at Washington, DC, this 4th day of May 1992, pursuant to Order of the Board.

Alan M. Dunn,

Assistant Secretary of Commerce for Import Administration, Chairman, Committee of Alternates, Foreign-Trade Zones Board.

Attest:

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 92–11119 Filed 5–11–92; 8:45 am]

BILLING CODE 3510-DS-M

International Trade Administration

[A-583-009]

Color Television Receivers, Except for Video Monitors, From Taiwan; Final Results of Antidumping Duty Administrative Review

AGENCY: International Trade Administration/Import Administration Department of Commerce.

ACTION: Notice of final results of antidumping duty administrative review.

SUMMARY: On January 7, 1992, the Department of Commerce published the preliminary results of its administrative review of the antidumping duty order on color television receivers, except for video monitors, from Taiwan. This notice covers 14 manufacturers/exporters and the period April 1, 1990 through March 31, 1991 (seventh review).

We gave interested parties an opportunity to comment on the preliminary results. Based on our analysis of comments received, we have not changed the final results from those in the preliminary results of review.

EFFECTIVE DATE: May 12, 1992.

FOR FURTHER INFORMATION CONTACT: G. Leon McNeill or Maureen A. Flannery, Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone (202) 377-2923.

SUPPLEMENTARY INFORMATION:

Background

On January 7, 1992, the Department of Commerce (the Department) published in the **Federal Register** (57 FR 555) the preliminary results of its administrative review of the antidumping duty order on color television receivers, except for video monitors, from Taiwan (49 FR 18336, April 30, 1984). The Department has now completed that administrative review in accordance with section 751 of the Tariff Act of 1930 (the Tariff Act) and 19 CFR 353.22.

Scope of the Review

Imports covered by the review are shipments of color television receivers (CTVs), except for video monitors, complete or incomplete, from Taiwan. The order covers all CTVs regardless of tariff classification. This merchandise is currently classifiable under items 8528.10.80, 8529.90.15, and 8540.11.00 of the Harmonized Tariff Schedules (HS). HS item numbers are provided for convenience and Customs purposes. The written description remains dispositive.

The review covers 14 manufacturers/exporters of CTVs, except for video monitors, from Taiwan for the period April 1, 1990 through March 31, 1991 (seventh review).

Request for Changed Circumstances Review

In the preliminary results of review, the Department indicated that it was considering the request of Sanyo Electric (Taiwan) Co., Ltd. (Sanyo), pursuant to § 353.25(d)(1) and 353.22(f) of the Department's regulations, to conduct a changed circumstances review for the purpose of determining whether sufficient changed circumstances exist to warrant revocation of the order with respect to Sanyo. In Sanyo's submission of April 30, 1991, it offers the following as the bases for revocation: (1) No exports or sales of color televisions to the United States for over seven years, (2) no present intention to resume exports, (3) incompatibility of Sanyo's televisions currently produced in Taiwan with the television broadcast systems in the United States, (4) assurances that if Sanyo were to sell television sets to the United States, such sales would be at fair value prices, (5) no reasonable probability that Sanyo's intention not to resume shipments will change in the foreseeable future, (6) increased labor costs in Taiwan, coupled with adequate capacity to supply the U.S. market with television sets produced by related companies in Mexico and in the United States, (7) reduction of Sanyo's television production capacity in Taiwan by 25 percent since 1988, and Sanyo's intention to further reduce production capacity in the future, and (8) the claim that, if Sanyo were to resume shipments to the United States, such shipments would be at fair value, since (a) the margins found during the investigation of sales at less than fair value (LTFV) resulted from the Department's "failure" to adjust for the expenses associated with air freight shipments, (b) Taiwan-based companies have sold CTVs to the United States at fair value prices in recent years, indicating that Sanyo would not have to sell CTVs at LTFV to compete in the U.S. market.

On March 28, 1989, the Department changed its regulations regarding revocation of antidumping duty orders. See Antidumping Duties, final rule, 54 FR 12742 (preamble). See also, 19 CFR 353.25 (1991). Under the new regulations periods of no shipments are no longer a separately listed basis upon which the Department will revoke an antidumping duty order as it pertains to a particular manufacturer/exporter. Therefore, though periods of no shipments may be considered among other factors when the Department is considering a request for revocation pursuant to 19 CFR 353.25(d), that factor alone is no longer a sufficient basis for revocation. See, preamble at 12758.

In its April 30, 1991 submission Sanyo did list other factors in addition to the fact that it has not shipped CTVs to the United States in over seven years, including factors intended to demonstrate that it would not resume shipments of CTVs to the United States, and that if it did resume shipments such shipments would not be at less than foreign market value. Sanyo's argument regarding resumption of less than foreign market value sales is without merit. First, Sanyo contends that margins occurred during the less than foreign market value investigation because the Department did not adjust for air freight expenses; however, the methodology used to determine whether or not less than foreign market value sales occurred was correct and appropriate. Sanyo did not challenge that methodology subsequent to the issuance of the antidumping duty order. Second, Sanyo claims that other Taiwan exporters are selling in the United States at fair value and so if it resumed shipments it would not have to sell at less than foreign market value to be competitive. However, while some Taiwan-based companies have sold CTVs to the United States at fair value in recent years, other Taiwan companies have made less than foreign market value sales in recent years. Margins for responding firms with shipments were as high as 10.82 percent during the fifth review period, 2.57 percent during the sixth review period, and 4.13 during the seventh (current) review period. See, Color Television Receivers, Except for Video Monitors, from Taiwan; Final Results of Antidumping Duty Administrative Review (56 FR 31378, July 10, 1991) (Fifth Taiwan CTV Review), and Color Television Receivers, Except for Video Monitors, from Taiwan; Final Results of Antidumping Administrative Review (56 FR 65218, December 16, 1991) (Fourth and Sixth Taiwan CTV Review). Accordingly, the Department has determined that Sanyo has not demonstrated changed circumstances sufficient to warrant revocation of the order with respect to Sanyo.

Analysis of Comments Received

We gave interested parties an opportunity to comment on the preliminary results as provided by § 353.22(c) of the Commerce

Regulations. We received comments from Zenith Electronics Corp. (Zenith) and the respondents.

Comment 1: Zenith argues that the Department used the incorrect U.S. tax base in determining the amount of commodity tax and value added tax (VAT) to add to United States price (U.S. price). Zenith notes that the duty paying value (DPV), *i.e.*, the tax base, for determining the amount of commodity tax for merchandise from bonded warehouses is defined in the preliminary results as the ex-factory price. Zenith claims that the DPV used by the Department to determine the commodity tax for bonded-factory shipments to the United States is overstated because it includes elements which are not included in an ex-factory price. According to Zenith, these elements include U.S. selling, general, and administrative (SG&A) expenses, profit attributable to the U.S. subsidiary, and estimated antidumping duties. Zenith also contends that the DPV is inflated by the inclusion of imputed Taiwan import duties, which would not be included in the ex-factory price of export merchandise where import duties are not collected by reason of exportation of the merchandise. Zenith advocates determining the DPV by deducting f.o.b. charges, such as foreign inland freight and brokerage, from the f.o.b. price.

Zenith also claims that the tax base used for calculating the VAT, defined in the preliminary results of review as the price to the unrelated customer, is overstated because it includes expenses which are incurred after the merchandise is exported from Taiwan. Zenith argues that the Department should use as the VAT base the price at which the merchandise is sold for exportation, whether or not it is the price to an unrelated purchaser.

Department's Position: We disagree with Zenith. In this case, we have calculated the commodity tax base and the VAT base in a manner consistent with our prior practice in the television cases. See, *e.g.*, our response to Comment 1 in the Fourth and Sixth Taiwan CTV Review, and our response to Comment 2 in the Fifth Taiwan CTV Review. The commodity tax base in Taiwan, or the DPV, is submitted by each firm and approved by the Taiwan authorities. For CTVs sold from bonded factories in Taiwan, the DPV is the ex-factory price; for CTVs sold from unbonded factories, the DPV consists of production costs, SG&A costs, and profit, *i.e.*, the price to the first unrelated customer. The VAT tax base in Taiwan is the price to the first unrelated customer.

In order to ensure that foreign market value (FMV) and U.S. price are comparable, and to impose the tax at a point comparable to the point at which the home market tax is assessed, it is necessary to determine at what point in the manufacturing/marketing chain the tax authority in Taiwan would have imposed the taxes on the exported merchandise. Accordingly, we have calculated the U.S. commodity tax base for each type of sale (*i.e.*, whether from a bonded or unbonded warehouse) and the VAT base by applying the same formulae used to calculate the home market tax bases. In other words, we used the terms and conditions of home market sales to determine the imputed tax base for U.S. sales. Therefore, with regard to the commodity tax, we used the ex-factory price of the merchandise for sales from bonded factories. This price is not overstated because it includes the same elements as are in the home market ex-factory price, which serves as the base for the commodity tax. For unbonded factories, we used the price to the first unrelated customer in the United States as the U.S. tax base. For the VAT, we used the price to the first unrelated customer in the United States as the U.S. tax base, not the price at which the merchandise is sold for exportation, since the home market VAT base is the price to the first unrelated customer. The tax rate in Taiwan was then applied to the U.S. tax base to determine the amount of tax that should be added to U.S. price, pursuant to 19 U.S.C. 1677a(d)(1)(C).

Comment 2: Zenith argues that the Department is required to measure the amount of tax which is passed through to home market purchasers, pursuant to 19 U.S.C. 1677a(d)(1)(C). As support for its argument, Zenith relies on decisions by the Court of International Trade (CIT) in *Zenith Electronics Corporation* versus *United States*, 633 F. Supp. 1382 (Ct. Int'l Trade, 1986), *appeal dismissed*, 975 F.2d 291 (Fed. Cir. 1989) *Zenith I*), *Daewoo Electronics Company, Ltd.* versus *United States*, 712 F. Supp. 931 (Ct. Int'l Trade, 1989) (*Daewoo*), and *Zenith Electronics Corporation* versus *United States*, 770 F. Supp. 648 (Ct. Int'l Trade, 1991) (*Zenith II*). Moreover, citing *Daewoo Electronics Company Ltd.* versus *United States*, 760 F. Supp. 200 (Ct. Int'l Trade, 1991), Zenith argues that, because respondents benefit from tax adjustments to U.S. price, they should be required to establish their entitlement to such adjustments by determining the amount of home market tax incidence, in accordance with a methodology chosen by the Department. Zenith argues that since the respondents have not established their entitlement to a tax adjustment, and the Department has failed to determine the home market tax incidence, there is no basis for a tax adjustment to U.S. price.

Department's Position: We do not agree with the CIT's decisions in *Zenith I*, *Daewoo*, or *Zenith II*, but have not had an opportunity to appeal this issue on its merits. Therefore, consistent with our long-standing practice, we have not attempted to measure the amount of tax incidence in the Taiwan home market. We do not agree that the statutory language, limiting the amount of adjustment to the amount of commodity tax "added to or included in the price" of CTVs sold in the Taiwan home market, requires the Department to measure the home market tax incidence. See our response to Comment 2 in the Fourth and Sixth Taiwan CTV Review and our response to Comment 1 in the Fifth Taiwan CTV Review. Regarding Zenith's argument that respondents must establish entitlement to the tax adjustment to U.S. price, we are satisfied that the record shows that the tax was charged and paid on the home market sales. Therefore, the respondents are entitled to the adjustment to U.S. price.

Comment 3: Zenith argues that the Department incorrectly failed to cap the amount of tax added to U.S. price by the amount of home market tax included in the home market price of the comparison model, and has incorrectly adjusted FMV for differences between the amount of home market tax and the amount of tax added to U.S. price. Zenith cites the CIT's decision in Zenith I as support for its argument that the amount of tax added to U.S. price must not exceed the amount of tax included in the home market price, and that the Department is prohibited from using the authority of 19 U.S.C. 1677b(a)(4)(B) to make a circumstance-of-sale (COS) adjustment to FMV for differences in taxes in order to neutralize the tax adjustment.

Action, Proton, and Tatung argue that the Department should not make a COS adjustment to FMV for the difference between home market and U.S. commodity taxes, citing the CIT's decision in *Zenith Electronics Corporation* v. *United States*, 755 F. Supp. 397 (Ct. Int'l Trade, 1990) as support for their arguments. Accordingly, respondents claim that the commodity tax should be added to U.S. price without an adjustment to home market price.

Department's Position: We disagree with Zenith and the respondents. In this case, we followed our practice established in prior administrative reviews regarding the calculation of commodity tax and COS adjustments for differences in actual and imputed commodity taxes. We did not "cap" or otherwise reduce the amount of imputed tax added to U.S. price as this would have been inconsistent with our efforts to make an appropriate "apples-to-apples" comparison between FMV and U.S. price. In order to avoid artificially inflating or deflating margins as a result of differences between Taiwan commodity taxes and the imputed taxes added to U.S. price, we have made a COS adjustment equal to the difference between the tax collected in Taiwan and the imputed tax calculated on the U.S. sales. See our response to Comment 3 in the Fourth and Sixth Taiwan CTV Review, our response to Comments 3 and 4 in the Fifth Taiwan CTV Review, and our response to Comment 1 in Color Television Receivers from the Republic of Korea; Final Results of Antidumping Duty Administrative Review (56 FR 12702, March 27, 1991) (Fifth Korean CVT Review).

Comment 4: Regarding adjustments to FMV for home market selling expenses, Zenith argues that the Department has failed to take into account earnable interest on payments made after an obligation to pay is incurred. Zenith reasons that, when an obligation is paid after it is incurred, the respondents have, in effect, been granted "delayed payment terms," and the benefit from paying these obligations on a delayed basis should be taken into account when calculating the true cost of a claimed selling expense. According to Zenith, the true cost of an after-sale rebate, for example, should be measured as the amount of the paid rebate less any interest earned during the period that payment of the rebate was outstanding. Accordingly, Zenith argues that the Department should reduce the adjustment to FMV for home market selling expenses by the amount of any interest earnable as a result of delayed payment of those expenses.

Department's Position: We disagree with Zenith. We avoid imputing expenses or costs when a company quantifies or documents its actual expenses, and when the company's quantification accurately reflects the expense to the seller. Since we have determined that the respondents have accurately quantified their home marketing selling expenses, and that their claims accurately reflected these expenses, we have not reduced them by the amount of any imputed "savings" realized as a result of delayed payment. See our response to Comment 6 in the Fifth Taiwan CTV Review, our response to Comment 2 in Television Receivers, Monochrome and Color, From Japan; Final Results of Antidumping Duty Adminstrative Review (56 FR 56189, November 1, 1991) (Tenth Japanese TV Review), and our response to Comment 4 in the Fourth and Sixth Taiwan CTV Review.

Comment 5: Zenith argues that the Department should deduct antidumping-related legal expenses from exporter's sales price (ESP). Zenith notes that under 19 U.S.C. 1677a(e)(2), the Department shall remove from ESP "the amount, if any, of expenses generally incurred by or for the account of the exporter in the United States in selling identical or substantially identical merchandise." According to Zenith, antidumping-related legal expenses are selling expenses because they are incurred as a result of a respondent selling the merchandise under review in the United States at prices below FMV. Moreover, Zenith argues that there is no basis for retaining in ESP legal expenses incurred as a result of an antidumping proceeding when all other legal expenses incurred by a foreign company's U.S. subsidiary are deducted from ESP.

Department's Position: We disagree with Zenith. As we stated in previous reviews of this order, the antidumping duty order on CTVs from the Republic of Korea, and the antidumping finding on television receivers, monochrome and color, from Japan, we do not consider legal expenses incurred in defending against an allegation of dumping to be expenses incurred in selling the merchandise in the United States. As a result, we have not deducted these expenses from ESP in these final results. Moreover, this position was recently affirmed by the CIT in Zenith II. See our response to Comment 3 in the Tenth Japanese TV Review, our response to Comment 5 in the Fifth Korean CTV Review, and our response to Comment 5 in the Fourth and Sixth Taiwan CTV Review.

Comment 6: Zenith argues that the Department should deduct from U.S. price payments of estimated antidumping duties and any expenses related to such payments. According to Zenith, these items should be deducted from U.S. price, along with the estimated ordinary duties paid, because 19 U.S.C. 1677a(d)(2)(A) specifically requires that "United States import duties" and charges "incident to bringing the merchandise from the place of shipment in the country of exportation to the place of delivery in the United States" be deducted from U.S. price.

Department's Position: We disagree with Zenith. As we have stated in previous reviews of this order, we believe that deducting estimated amounts of antidumping duties in our calculations would result in inaccurate margins. We do not consider payments of estimated antidumping duties to be expenses related to the sales of the merchandise under consideration for this review period. Further, given the possibility that these estimated duties could vary significantly from duties that may be assessed, we do not consider them to be "expenses" within the meaning of section 772(d)(2)(A) of the Tariff Act for the purpose of determining U.S. price. Finally, estimated duties and duties assessed are paid by the importer, which, in some cases, is unrelated to the party whose sales are under review. As a result, we have not deducted them from U.S. price in these final results. See our response to Comment 4 the Tenth Japanese TV Review, our response to Comment 6 in the Fifth Korean CTV Review, and our response to Comment 6 in the Fourth and Sixth Taiwan CTV Review.

Comment 7: Zenith contends that the Department erroneously treated selling commissions in the United States as though they consisted entirely of indirect selling expenses. Zenith argues that commissions compensate the recipient for both direct and indirect selling expenses incurred on behalf of the respondents. Zenith argues that, since FMV has already been adjusted for direct selling expenses, an offset to FMV comprised of indirect selling expenses up to the full amount of the U.S. commission overcompensates for the indirect portion of the commission and effectively negates the deduction from U.S. price of the direct expense portion of the commission. Accordingly, Zenith claims that commissions should be broken down into their direct and indirect expense components, and that the offset to FMV should be capped at the level of the indirect expense portion.

Zenith also argues that all indirect selling expenses incurred in the home market on commissioned U.S. sales should be deducted from U.S. price. Zenith is concerned that unless this adjustment is made, such expenses may be commingled with home market indirect expenses included in offsets to FMV.

Department's Position: We disagree with Zenith. Section 353.56(b)(1) of our regulations requires us to make an adjustment for situations in which a

commission is paid in one market but not in the other market. That adjustment is limited to "the amount of the other selling expenses" allowed in the other market. We do not interpret this regulation as requiring us to limit the offset to a specific portion of the expenses of the commissionaire. Indeed, it is not necessary to examine how the recipient of the commissions spends the money because, to the seller, such monies represent direct expenses incurred as a result of that particular sale. As a result, we have offset the full amount of the U.S. commissions in these final results. See our response to comment 4 in Television Receivers, Monochrome and Color, from Japan; Final Results of Antidumping Duty Administrative Review (56 FR 37339, August 6, 1991), our response to Comment 9 in the Fifth Taiwan CTV Review, and our response to Comment 7 in the Fourth and Sixth Taiwan CTV Review.

Regarding Zenith's concern over the possible existence of home market expenses that might be associated with commissioned U.S. sales, we find nothing in the record to suggest that such indirect expenses exist, and Zenith has not pointed to evidence in the record to indicate to the contrary. See our response to Comment 9 in the Fifth Taiwan CTV Review, our response to Comment 7 in the Fifth Korean CTV Review, and our response to Comment 7 in the Fourth and Sixth Taiwan CTV Review.

Comment 8: Zenith contends that the Department's method of calculating the cash deposit rate as a percentage of the respondents' statutory U.S. price of the reviewed entries understates the best estimate of ultimate liability on future entries. Zenith notes that the U.S. Customs Service (Customs) uses the entered value as the value against which the cash deposit rate is applied, while the Department determines cash deposit rates on the basis of U.S. price. Zenith argues that, because the entered value is often lower than the U.S. price, especially when, as in this case, a large amount is added to U.S. price for tax adjustments, the dollar amount of the cash deposit is less than it would be if the Department used the entered value to calculate the cash deposit.

Department's Position: In this review, we have followed our practice as explained in previous reviews. See, e.g., our response to Comment 10 in the Fifth Taiwan CTV Review and our response to Comment 9 in the Fourth and Sixth Taiwan CTV Review. Use of this practice was affirmed by the CIT in *Zenith II*. Section 736(a)(1) of the Tariff Act requires the Department to instruct Customs to "assess an antidumping duty equal to the amount by which the FMV of the merchandise exceeds the United States price of the merchandise." Thus, we are required to calculate an assessment rate based upon the reviewed entries' statutory U.S. price, not upon the entered value of the merchandise.

The actual assessment rate also serves as the best estimate for cash deposit purposes for all subsequent entries not yet subject to review. We use this rate because at the time the merchandise is entered, its U.S. price has yet to be determined. Insofar as cash deposits must be made at the time of entry, we instruct Customs to determine the amount of the required deposits by basing it upon a percentage of the only value available, *i.e.*, the entered value. However, if it is determined after a subsequent review that the amount of estimated duties deposited on these entries is less than the actual amount to be assessed, we will collect the difference together with interest.

Comment 9: Action, Proton, and Tatung argue that the Department should not have deducted from home market price expenses incurred with respect to home market sales, and should not have deducted from U.S. price those expenses incurred with respect to U.S. sales. They argue that such COS adjustments should be made only to FMV. Respondents cite 19 U.S.C. 1677b(a)(4) of the statute and the CIT's decision in *Timken Company* v. *United States*, 673 F. Supp. 495, 509–12 (CIT 1987) (*Timken*) as support for their argument.

Department's Position: We disagree with respondents. Respondents cite to 19 U.S.C. 1677b(a)(4) of the statute and *Timken* for their claim that COS adjustments should only be made to FMV. However, as stated in previous administrative reviews, we are not following the CIT's decision in *Timken*. We continue to maintain that 19 U.S.C. 1677b does not prohibit us from deducting selling expenses from ESP, and that our adjustments to ESP are in accordance with 19 U.S.C. 1677a(e)(2), which states that ESP shall be adjusted by deducting from it the amount of "expenses generally incurred by or for the account of the exporter in the United States in selling identical or substantially identical merchandise." Accordingly, we made appropriate adjustments to ESP for warranties, credit, direct advertising and promotion, royalties, and commissions. See our response to Comment 12 in the Fifth Taiwan CTV Review, our response to Comment 19 in Television Receivers, Monochrome and Color, from Japan; Final Results of Antidumping Duty Administrative Review (56 FR 38417, August 13, 1991), and our response to Comment 10 in the Fourth and Sixth Taiwan CTV Review.

Comment 10: AOC contends that the Department's use of the highest rate received by any responding firm in this or any other review, as the best information available (BIA), was arbitrarily punitive and inconsistent with its longstanding policy in this case. AOC states that it was open with the Department as to its reason for failing to respond to our questionnaire. AOC explains that it discontinued all shipments of CTVs from Taiwan to the United States in December 1989. During the review, the only U.S. sales were a small number of ESP sales from the remaining CTV inventory. Under these circumstances, AOC was not able to commit the resources necessary to participate in the review.

Zenith agrees with the Department's methodology of applying to non-respondents the highest BIA rate assigned to any company in a previous review. Zenith notes that the Department has adopted this same BIA methodology in other recently completed administrative reviews.

Department's Position: We disagree with AOC. In a case where the respondent fails to respond to our request for information, our policy is to use the higher of (a) the highest rate among responding firms with shipments during the current review period, or (b) any rate received by any firm in prior reviews. For AOC, we used Hitachi's rate from the fourth CTV review, which is the highest rate among respondent firms in any prior review. See Final Results of Antidumping Duty Administrative Review and Partial Termination: Roller Chain, Other than Bicycle, from Japan (57 FR 6809, February 28, 1992).

Comment 11: Proton argues that the Department failed to exclude certain non-sale U.S. invoices from its dumping calculations. It explains that these transactions included refurbishing charges to freight forwarders, credit memo corrections, and price corrections, which are not sales for antidumping purposes. To support its contention, Proton included documentation in its case brief subsequent to the preliminary results of this review.

Zenith contends that the documentation presented by Proton was new factual information submitted for the first time in its case brief with

respect to the preliminary results. In accordance with 19 CFR 353.31(a)(ii), factual information for the Secretary's consideration shall be submitted no later than "* * * the earlier of the date of publication of notice of preliminary results of review or 180 days after that date of publication of notice of initiation of the review." Zenith contends that this constitutes new factual information and, pursuant to 19 CFR 353.31(a)(3), it should be removed from the administrative record.

Department's Position: We disagree with Proton and agree with Zenith. The information showing that these transactions were not sales was not brought to the attention of the Department until Proton submitted its case brief following the preliminary results. Pursuant to 19 CFR 353.31(a)(3), this is new factual information which cannot be used for our final results of review. Therefore, we have removed this information from the official file and public file, and have not used it in the final results of this review.

Final Results of the Review

Based on our analysis of the comments received, we determine that the following margins exist:

Manufacturer/exporter	Period of review	Margin (percent)
Action Electronics Co., Ltd	04/01/90–03/31/91	1.64
AOC International, Inc	04/01/90–03/31/91	[2] 23.89
Funai Electric Co. Ltd	04/01/90–03/31/91	[1] 23.89
Hitachi Television (Taiwan) Ltd	04/01/90–03/31/91	[1] 23.89
Kuang Yuan Co., Ltd	04/01/90–03/31/91	0.00
Nettek Corp., Ltd	04/01/90–03/31/91	[2] 23.89
Paramount Electronics	04/01/90–03/31/91	[2] 23.89
Proton Electronic Industrial Co., Ltd	04/01/90–03/31/91	4.13
RCA Taiwan, Ltd., also known as TCE Television Taiwan Ltd	04/01/90–03/31/91	0.41
Sampo Corp	04/01/90–03/31/91	[1] 0.78
Sanyo Electric (Taiwan) Co., Ltd	04/01/90–03/31/91	[1] 4.66
Shinlee Corp	04/01/90–03/31/91	[2] 23.89
Tatung Co	04/01/90–03/31/91	0.23
Teco Electric and Machinery Co., Ltd	04/01/90–03/31/91	[2] 23.89

[1] No shipments during the period; rate is from the last review in which there were shipments.
[2] No response; we therefore used BIA, which was either the highest rate among respondent firms in the current review, or any rate received by any firm in prior reviews, or the original LTFV investigation, whichever was higher.

The Department shall determine, and Customs shall assess, antidumping duties on all appropriate entries. Individual differences between U.S. price and FMV may vary from the percentages stated above. The Department will issue appraisement instructions directly to Customs.

Furthermore, the following deposit requirements will be effective upon publication of the final results of this administrative review for all shipments of color television receivers, except for video monitors, from Taiwan entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by section 751(a)(1) of the Tariff Act, and will remain in effect until the final results of the next administrative review:

(1) The cash deposit rate for the above firms, except RCA and Tatung, will be the above-listed rates;

(2) Since the margins for RCA and Tatung are less than 0.5 percent and, therefore, *de minimis* for cash deposit purposes, the Department shall not require a cash deposit of estimated antidumping duties on entries from these firms;

(3) For merchandise exported by manufacturers or exporters not covered in this review but covered in previous reviews or the original LTFV investigation, the cash deposit rate will continue to be the rate published in the most recent final results or determination for which the manufacturer or exporter received a company-specific rate;

(4) If the exporter is not a firm covered in this review, a prior review, or the original LTFV investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and

(5) The cash deposit rate for any future entries from all other manufacturers or exporters who are not covered in this or prior administrative reviews or the original LTFV investigation, and who are unrelated to the reviewed firms or any previously reviewed firm, will be 4.13 percent. This rate is the highest non-BIA rate for any firm in this review.

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 353.26 to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22 (1991).

Dated: May 4, 1992.

Alan M. Dunn,

Assistant Secretary for Import Administration.

[FR Doc. 92–11120 Filed 5–11–92; 8:45 am]
BILLING CODE 3510–DS–M

[C–549–401]

Noncontinuous Noncellulosic Yarn From Thailand; Final Results of Countervailing Duty Administrative Review

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Notice of final results of countervailing duty administrative review.

SUMMARY: On March 10, 1992, the Department of Commerce published a notice of preliminary results of its administrative review of the agreement suspending the countervailing duty investigation on noncontinuous noncellulosic yarn from Thailand. The agreement covers the period January 1, 1989 through December 31, 1989 and nine programs. We have now completed that review and have determined that the Royal Thai Government (RTG) and the Thai exporters of noncontinuous noncellulosic yarns have complied with the terms of the suspension agreement during the review period.

EFFECTIVE DATE: May 12, 1992.

FOR FURTHER INFORMATION CONTACT: Robert Bolling or Wendy Frankel, Office of Agreements Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377–3793.

SUPPLEMENTARY INFORMATION:

Background

On March 10, 1992, the Department of Commerce (the Department) published in the **Federal Register** (57 FR 8434) a notice of preliminary results of administrative review of the agreement suspending the countervailing duty investigation on noncontinuous noncellulosic yarn from Thailand (50 FR 9832; March 12, 1985). We have now completed this review in accordance with section 751 of the Tariff Act of 1930, as amended (the Tariff Act).

Scope of Review

Imports covered by this review are shipments of noncontinuous noncellulosic yarn from Thailand. During the period of review, such merchandise was classifiable under item numbers 5509.21.0000, 5509.22.0010, 5509.22.0090, 5509.32.0000, 5509.51.3000, 5509,51.6000, and 5509.69.4000 of the Harmonized Tariff Schedule (HTS). The HTS item numbers are provided for convenience and Customs purposes. The written description remains dispositive.

During the review period, three producers/exporters exported the subject merchandise to the United States: Saha Union Corporation, Thai American Textile Company, and Thai Melon Textile Company. The review covers the period January 1, 1989 through December 31, 1989 and nine programs: (1) Export Packing Credits; (2) Rediscount of Industrial Bills; (3) Electricity Discounts for Exporters; (4) Tax Certificates for Exports; (5) Foreign Marketing Expenses; (6) Flat Rate Tax Rebates; (7) Investment Promotion Act; (8) International Trade Promotion Act; and (9) Export Processing Zones.

Final Results of the Review

We gave interested parties an opportunity to comment on our preliminary results. We received one comment.

Comment: The RTG and the Thai exporters of the subject merchandise fully concur with the Department's preliminary results. In addition, these parties state that these preliminary results should be affirmed in the Department's final results of administrative review.

Department's Position: We received one comment from the RTG and Thai exporters, expressing their concurrence with our preliminary results.

As a result of our review, we determine that the RTG and Thai exporters of the subject merchandise have complied with the terms of the suspension agreement for the period January 1, 1989 through December 31, 1989.

The agreement can remain in force only as long as shipments from the signatories account for at least 85 percent of imports of noncontinuous noncellulosic yarn from Thailand. Our information indicates that the three signatory companies accounted for all of the imports into the United States of this merchandise from Thailand during the review period.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (919 U.S.C. 1675(a)(1)) and 19 CFR 355.22.

Dated: May 4, 1992.

Alan M. Dunn,

Assistant Secretary for Import Administration.

[FR Doc. 92–11121 Filed 5–11–92; 8:45 am]

BILLING CODE 3510–DS–M

National Oceanic and Atmospheric Administration

New England Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The New England Fishery Management Council will hold a public meeting on May 20–21, 1992, at the Seaport Inn, 110 Middle Street, Fairhaven, MA, telephone: 508–997–1281. The Council will begin its meeting at 10 a.m. on May 20. The meeting will reconvene on May 21 at 9 a.m.

The order has not yet been decided, but the following items will be included on the agenda:

The Council will hear reports from the Lobster, the Scallop and the Groundfish Committees and the Ad Hoc Monkfish Committee. It will also hear reports from the Council Chairman, Council Executive Director, the National Marine Fisheries Service Regional Director, and Northeast Fisheries Science Center liaison, Mid-Atlantic Council liaison, and representatives from the Department of State, Coast Guard, Fish and Wildlife Service and Atlantic States Marine Fisheries Commission.

For more information contact Douglas G. Marshall, Executive Director, New England Fishery Management Council, 5 Broadway, Saugus, MA 01906; telephone: (617) 231–0422.

Dated: May 6, 1992.

David S. Crestin,

Deputy Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 92–11052 Filed 5–11–92; 8:45 am]

BILLING CODE 3510–22–M

Endangered Species; Permit

AGENCY: National Marine Fisheries Service, (NMFS), NOAA, Commerce.

ACTION: Notice of receipt of application for permit; request for comments; announcement of possible issuance of emergency permit (P500).

SUMMARY: NMFS is providing notice that the Fish Passage Center (FPC), 2501 SW. First Ave., suite 230, Portland, OR 97201–4752, has applied in due form for a permit to take Snake River Sockeye salmon (*oncorhynchus nerka*) and Snake River spring/summer and fall chinook salmon (*O. tshawytscha*) for the purposes of scientific research and enhancement, as authorized by the Endangered Species Act of 1973 (16 U.S.C. 1531–1543), and the regulations governing endangered fish and wildlife (50 CFR parts 217–222).

The final listing determination for Snake River sockeye salmon was published on November 21, 1991, and became effective on December 20, 1991. The final listing determinations for Snake River spring/summer and fall chinook salmon were published on April 22, 1992, and will become effective on May 22, 1992. Requests for authorizations to take both Snake River sockeye and chinook salmon are included in this application. NMFS is considering issuing this permit on an emergency basis to authorize the taking of Snake River sockeye salmon. An emergency permit is not required to authorize the taking of chinook salmon included in this application but authorization to take chinook may be included in the regular Permit, if issued.

DATES: Comments on this permit must be received on or before June 11, 1992.

ADDRESSES: Comments or requests for a public hearing on this application should be submitted to the assistant Administrator for Fisheries, NMFS, 1335 East-West Hwy., room 7324, Silver Spring, MD 20910.

Documents submitted in connection with the above application are available for review by interested persons in the following offices:

Offices of Protected Resources, National Marine Fisheries Service, NOAA, 1335 East-West Hwy., suite

7324, Silver Spring, MD 20910 (301/713–2289);

Northwest Region, National Marine Fisheries Service, NOAA, 7600 Sand Point Way, NE. BIN C15700, Seattle, WA 98115–0070 (206/526–6150); and

Environmental and Technical Services Division, National Marine Fisheries Service, NOAA, 911 North East 11th Ave., Room 620, Portland, OR 97232 (503/230–5400).

FOR FURTHER INFORMATION CONTACT: Dr. Kathy Horstman (301/713–2289) or Mr. Garth Griffin (503/230–5430).

SUPPLEMENTARY INFORMATION:

Smolt Monitoring Project (P500)

The FPC has applied for a permit for the purpose of monitoring the migration of salmon smolts and their passage through the series of dams found along the Snake and Columbia River systems. If the permit is issued as requested, the FPC will collect salmon during their migrational season at Lewiston trap and John Day, The Dalles, and Bonneville dams, from February through November (with concentrations of sockeye not appearing until late May or early June).

After salmon have been collected in traps, they will be anesthetized and examined for species composition and freeze bands or tags. All chinook collected at Lewiston trap will be marked with Passive Integrated Transponder (PIT) tags. All sampled fish will then be released back into the river, below the traps. Up to 1,200 wild Snake River spring/summer chinook salmon smolts, 300 wild Snake River fall chinook salmon smolts and 115 wild Snake River sockeye salmon smolts may be taken in this manner. These numbers represent wild Snake River salmon; the wild type compromises a portion of the total number of the composite population of Columbia River, Snake River and hatchery released salmon to be taken by the FPC and utilized in the associated research.

Under the regulations governing endangered fish and wildlife (50 CFR parts 217–222), NMFS may waive the 30-day comment period in an emergency situation where the health or life of an endangered animal is threatened and no reasonable alternative is available. If NMFS concludes that issuance of the Permit is essential to protect individual fish or the species as a whole, it may be issued on an emergency basis.

Upon completion of review of the application by NMFS, an emergency permit allowing all or part of the requested activities for research on, and the enhancement of, Snake River sockeye salmon may be issued by NMFS before the close of the comment period, if necessary. The emergency permit, if issued, will be in effect pending full public and governmental review of the application and will be superseded by the decision on the application, or until July 31, 1992, whichever occurs first.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, NMFS (see **ADDRESSES**). Since the possibility exists of issuing the Permit on an emergency basis, comments received early in the review process, prior to issuance and during the 30-day comment period, will be considered in deciding upon the issuance of an emergency permit. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular action would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries. All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Dated: May 7, 1992.

Charles Karnella,

Acting Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 92–11072 Filed 5–11–92; 8:45 am]

BILLING CODE 3510–22–M

Endangered Species; Emergency Permit

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of receipt of application for permit; request for comments; announcement of possible issuance of emergency permit (P504).

SUMMARY: NMFS is providing notice that the U.S. Army Corps of Engineers (Corps), Walla Walla District, Walla Walla, WA 99362–9265 has applied in due form for a permit to take Snake River Sockeye salmon (*Oncorhynchus nerka*) and Snake River spring/summer and fall chinook salmon (*O. tshawytscha*) for the purposes of scientific research and enhancement, as authorized by the Endangered Species Act of 1973 (16 U.S.C. 1531–1543), and the regulations governing endangered fish and wildlife (50 CFR parts 217–222).

The final listing determination for Snake River sockeye salmon was published on November 21, 1991 and became effective on December 20, 1991. The final listing determinations for Snake River spring/summer and fall chinook salmon were published on April 22, 1992, and will become effective on May 22, 1992. Requests for authorization to take both Snake River sockeye and chinook salmon are included in this application. NMFS is considering issuing this permit on an emergency basis to authorize the taking of Snake River sockeye salmon. An emergency permit is not required to authorize the taking of chinook salmon included in this application but authorization to take chinook may be included in the regular Permit, if issued.

DATES: Comments on this permit must be received by June 11, 1992.

ADDRESSES: Comments or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, NMFS, 1335 East-West Hwy., room 7324, Silver Spring, MD 20910.

Documents submitted in connection with the above application are available for review by interested persons in the following offices by appointment:

Office of Protected Resources, National Marine Fisheries Service, 1335 East-West Hwy., suite 7324, Silver Spring, MD 20910 (301/713–2289);

Northwest Region, National Marine Fisheries Service, NOAA, 7600 Sand Point Way, NE. BIN C15700-Building 1, Seattle, WA 98115–0070 (206/526–6150); and

Environmental and Technical Services Division, National Marine Fisheries Service, 911 North East 11th Ave., room 620, Portland, OR 97232 (503/230–5400).

FOR FURTHER INFORMATION CONTACT: Dr. Kathy Horstman (301/713–2289) or Ms. Karen Holtz (503/230–5424).

SUPPLEMENTARY INFORMATION:

Transport Project and Associated Research (P504)

The Corps has applied for a permit to authorize the collection and transportation of juvenile chinook and sockeye salmon around mainstem dams and associated downstream reservoirs on the Snake and Columbia rivers for the purpose of increasing their chances of survival over the alternative of in-river passage, given current in-river conditions, and for research on some of the fish collected. If the permit is issued as requested, the Corps will collect salmon during their migration season at Lower Granite and Little Goose dams (March 25–October 31, with concentrations of sockeye not appearing until late May or early June), and also McNary Dam (March 25–December 31, with concentrations of sockeye not appearing until late May or early June). The Corps will route the fish to raceways and then load them into trucks or barges for transportation to the

Columbia River, below Bonneville Dam, without further handling except for those salmon subsampled for research on various aspects of the transport program, conducted by agents acting in behalf of the Corps. This research involves a number of institutions for a variety of different projects, as outlined below. Take numbers presented in this notice represent numbers of wild Snake River salmon; the wild type comprises a portion of the total number of Columbia River, Snake River and hatchery released salmon that may be taken in the transport project and its associated research projects.

Transport Project

The Corps will be responsible for the initial diversion, collection and subsequent transportation of the salmon. The total number of juvenile wild Snake River sockeye salmon to be handled for the purpose of transportation will be up to 3,300. The total number of juvenile wild Snake River spring/summer chinook salmon to be transported by the Corps will be up to 245,000 and the number of juvenile wild Snake River fall chinook salmon transported will be up to 16,000. Of the above fish, a subsample will be anesthetized and handled daily for purposes of species identification, the taking of measurements, and assessment of smolt condition (rate of descaling and overall health of the fish). This work will be conducted according to guidelines set by the Fish Transportation Oversight Team (FTOT). A total of up to 22,100 juvenile wild Snake River spring/summer chinook salmon, 5,400 juvenile wild Snake River fall Chinook salmon, and 300 juvenile wild Snake River sockeye salmon will be handled in order to obtain this information, which serves to ensure that collection facilities are working properly and provides weight estimates for loading purposes.

Agent: Fish Passage Center (FPC), 2501 SW. First Ave., suite 230, Portland, OR 97201–4752.

Monitoring Project

The FPC will be responsible for the smolt monitoring aspect of the transport project. In order to document the migrational characteristics of downstream migrating juvenile salmon as a basis for mitigation actions regarding provisions for flow for migration and the operation of the hydrosystem, the FPC takes a subsample of all fish collected for transport. These fish are anesthetized, examined for species composition and freeze brands, enumerated and released back into the bypass system for transport. This work is done in conjunction with the FTOT, and therefore most of the takes for the FPC has been attributed to the FTOT, above. However, in addition, the FPC will PIT tag juveniles of up to 150 of the wild spring/summer Snake River chinook taken by the Corps for transport at Little Goose Dam for purposes of smolt monitoring.

Agents: Oregon Cooperative Fishery Research Unit, Departments of Fisheries and Wildlife and Microbiology, 104 Nash Hall, Oregon State University (OSU), Corvallis, OR 97331–3803 and Idaho Cooperative Fish and Wildlife Research Unit, College of Forestry, University of Idaho (U of I), Moscow, ID 83843.

Stress Response Project

OSU and the U of I will conduct a study to investigate the possible stress response of spring/summer chinook salmon to elements of bypass and collection operations at key Snake and Columbia River dams, such as interspecies interactions and loading densities, and the effects of cover or darkness. A subsample of the fish diverted for transport by the Corps will be sacrificed for the measurement of various physiological parameters that indicate degree of stress and will include up to 60 wild juvenile Snake River spring/summer chinook salmon.

A second aspect of this project is designed to examine the post-release performance of spring/summer chinook in relation to stress associated with barge loading procedures and barge transport. While the Corps loads the fish into the barge, OSU and U of I researchers will take a subsample of these fish and implant them with radio transmitters and track them in order to establish their behavior patterns after release. Up to ten of these fish may be juvenile wild Snake River spring/summer chinook.

The final phase of this project entails quantifying stress response by measuring both physiological and performance indices. These investigations require that up to 30 of the wild Snake River spring/summer chinook taken by the Corps for transport be killed.

Agent: U.S. Fish and Wildlife Service (FWS), National Fishery Research Station, Columbia River Field Station, Star Route, Cook, WA 98605

Fall Chinook Requirements Projects

The FWS will conduct research on habitat needs of fall chinook. The purpose of this project is to characterize the spawning and rearing habitat for fall chinook in the Snake River to characterize their rearing habitat in the mainstem Columbia River reservoirs, and to describe factors influencing their migratory behavior.

The first aspect of this study involves removal of a subsample of the juvenile fall chinook salmon diverted for transport by the Corps at McNary Dam for use in laboratory experiments designed to examine the influence of selected biological and physiological factors on the disposition of fish to migrate, as well as on the development of osmoregulatory capacity. This would entail the sacrifice of no more than two juvenile wild fall Snake River chinook salmon.

The next aspect of this study involves the recapture of PIT-tagged juvenile fall chinook from those diverted for transport by the Corps at Lower Granite Dam. These fish will be sacrificed for electrophoretic analyses. The work will be coordinated with other studies, and will help to estimate the relationship among various flow regimes and travel-time and the survival of outmigrating fall chinook salmon in main-stem reservoirs. This will result in the mortality of u to 115 juvenile wild Snake River fall chinook, as well as a possible incidental mortality of up to 15 juvenile wild Snake River spring/summer chinook.

The final aspect of this study entails marking a subsample of the juvenile fall Snake River chinook salmon, which have been diverted for transportation by the Corps, with freeze brands and coded-wire tags, in order to obtain information on travel time and flow and to determine whether adult contribution is coordinated with the timing of juvenile outmigration or with river conditions during juvenile outmigration. Up to ten juvenile wild Snake River fall chinook may be tagged for this study.

Agent: NMFS Coastal Zone and Estuarine Studies Division, Northwest Fisheries Science Center (NWFSC), 2725 Montlake Blvd. East, Seattle, WA 98112–2097.

PIT-tag Evaluation Project

The NWFSC will conduct an evaluation of the PIT-tag detection/diversion system at Little Goose Dam. For this project, of those fish diverted for transportation by the Corps, up to 210 juvenile wild Snake River spring/summer chinook salmon will be anesthetized, examined for injuries and prior marks, and scanned for the presence of a PIT tag. Tagged fish will be weighed and measured before being released with the untagged fish.

Bypass Evaluation/Fish Guidance Efficiency Project

The NWFSC will conduct an evaluation of the juvenile fish bypass systems at Lower Monumental, McNary and Bonneville dams. A subsample of the juvenile salmon diverted for transport by the Corps will be anesthetized, examined for species composition, freeze brands and signs of injury, and counted prior to release. Up to 1,505 wild Snake River fall chinook, 510 wild Snake River spring/summer chinook and 135 wild Snake River sockeye salmon will be handled for these studies. Of these, up to four wild Snake River fall chinook and one wild Snake River spring/summer chinook will be sacrificed in order to assess their degree of smoltification.

The NWFSC, acting as agents for the Corps, also request authorization to capture fish that escape the diversion system in fyke nets and sacrifice them in order to measure their degree of smoltification. This part of the bypass evaluation project will involve up to 50 juvenile wild Snake River fall chinook, 25 juvenile wild Snake River spring/summer chinook and 15 juvenile wild Snake River sockeye salmon.

In addition to the juvenile salmon to be transported, the Corps requests authorization to assist the NWFSC in their fish guidance efficiency research by conducting video monitoring studies of fish passage at McNary Dam. To allow monitoring, some of the standard-length travelling screens (SSTSs) used to divert fish from the turbine intakes will be replaced with extended-length submerged travelling screens (ESTSs) in order to ensure acceptable hydraulic conditions for the extended-length submerged bar screen (ESBS) testing to be done in bay B of the dam. Possible impacts upon salmon populations are as follows: Replacing ESTSs for SSTSs may result in increases of impingement rates over those associated with SSTSs, although preliminary studies by NMFS have shown no difference. Also, the camera mount and associated hardware will create a hydraulic anomaly on the surface of the ESBS that juveniles may respond to and thus modify their normal behaviors as they are intercepted or influenced by the ESBS. The illumination field may affect passage by attracting smolts closer to the surface of the screen. It is estimated that up to four wild juvenile Snake River spring/summer chinook, eight wild juvenile Snake River fall chinook and two wild juvenile Snake River sockeye could be affected by these activities.

In addition to the juveniles authorized to be taken by the Corps, the NWFSC requests authorization to capture up to 282 adult wild Snake River spring/summer chinook and up to three adult wild fall Snake River chinook from the fish ladders at Lower Granite and Bonneville Dams. The objective of this study is to retrieve data from fish marked with coded-wire tags as juveniles taken for transport in previous years, in order to analyze data on adult return. The NWFSC will also take scale samples from these fish, for the purpose of determining wild vs. hatchery composition. These fish will be outfitted with jaw tags before their release back into the river system.

Release Site Study

The NWFSC will conduct a study to examine the suitability of release sites for transported juvenile salmon. Steelhead (*O. mykiss*) diverted for transport by the Corps will be used for this study. Steelhead are not a listed species, but sorting them from fish collected from the run at large will involve an incidental take of up to 2,800 juvenile wild Snake River spring/summer chinook and up to 1,100 wild juvenile Snake River sockeye. The NWFSC will anesthetize all fish prior to sorting them. Once chinook have been sorted from the steelhead they will be returned to the Corps for transport. Scales will be sampled from up to 100 wild spring/summer chinook juveniles in order to estimate the proportion of wild to hatchery fish. Because these activities will be carried out on fish diverted for transport by the Corps, they have been included in this notice. However, since these activities are directed on an unlisted species, incidental takes of listed salmon "species" will not be covered under this permit, if issued. Instead, they will be addressed in a section 7 consultation conducted by the NMFS.

In addition to the juvenile salmon that are diverted for transport, some adult salmon occasionally enter the diversion system. These adults are then netted by the Corps or its agents, and returned to the river. This could involve handling of up to 58 adult wild Snake River spring/summer chinook and 233 wild Snake River fall chinook. Because these incidental takes of listed salmon "species" will occur as a result of juvenile transport activities, they have been included in this notice. However, these takes will not be covered under this permit, if issued. Instead, they will be addressed in a section 7 consultation conducted by NMFS.

Under the regulations governing endangered fish and wildlife (50 CFR parts 217–222), NMFS may waive the 30-day comment period in an emergency situation where the health or life of an endangered animal is threatened and no reasonable alternative is available. If NMFS concludes that issuance of the Permit is essential to protect individual fish or the species as a whole, it may be issued on an emergency basis.

Upon completion of review of the application by NMFS, an emergency permit allowing all or part of the requested activities for research on, and the enhancement of, Snake River sockeye salmon may be issued by NMFS before the close of the comment period, if necessary. The emergency permit, if issued, will be in effect pending full public and governmental review of the application and will be superseded by the decision on the application, or until July 31, 1992, whichever occurs first.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, NMFS (see ADDRESSES). Since the possibility exists of issuing the Permit on an emergency basis, comments received early in the review process, prior to issuance and during the 30-day comment period, will be considered in deciding upon the issuance of an emergency permit. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular action would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries. All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Dated: May 17, 1992.

Charles Karnella,

Acting Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 92–11073 Filed 5–11–92; 8:45 am]

BILLING CODE 3510-22-M

Marine Mammals; Permits

AGENCY: National Marine Fisheries Service, (NMFS) NOAA.

ACTION: Issuance of Permit; NMFS, Southwest Fisheries Science Center (P772#59).

On March 13, 1992, notice was published in the **Federal Register** (57 F.R. 8863) that an application had been filed by the Southwest Fisheries Science Center, National Marine Fisheries Service, La Jolla, CA 92038, to take 1200 Hawaiian monk seals (*Monachus*

schauinslandi) over a two-year period for scientific research.

Notice is hereby given that on May 5, 1992, as authorized by the provisions of the Marine Mammal Protection Act (16 U.S.C. 1361–1407) and the Endangered Species Act of 1973 (16 U.S.C. 1531–1543), the National Marine Fisheries Service issued a Permit for the above taking subject to certain conditions set forth therein.

Issuance of this Permit as required by the Endangered Species Act of 1973 was based on a finding that such Permit: (1) was applied for in good faith; (2) will not operate to the disadvantage of the endangered species which is the subject of this Permit; (3) is consistent with the purposes and policies set forth in section 2 of the Endangered Species Act of 1973. This permit was also issued in accordance with and is subject to parts 220–222 of title 50 CFR, the National Marine Fisheries Service regulations governing endangered species permits.

The application, Permit and supporting documentation are available for review by interested persons in the following offices by appointment:

Permit Division, Office of Protected Resources, National Marine Fisheries Service, 1335 East-West Highway, suite 7324, Silver Spring, MD 20910 (301/713–2289);

Director, Southwest Region, National Marine Fisheries Service, NOAA, 501 West Ocean Blvd., suite 4200, Long Beach, CA 90802–4213 (310/980–4016); and

Marine Mammal Coordinator, Pacific Area Office, National Marine Fisheries Service, 2570 Dole Street, room 106, Honolulu, HI 96822 (808/955–8831).

Dated: May 5, 1992.

Nancy Foster,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 92–11008 Filed 5–11–92; 8:45 am]

BILLING CODE 3510–22–M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limits for Certain Wool Textile Products Produced or Manufactured in Hungary

May 7, 1992.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs adjusting limits.

EFFECTIVE DATE: May 14, 1992.

FOR FURTHER INFORMATION CONTACT: Naomi Freeman, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 566–5810. For information on embargoes and quota re-openings, call (202) 377–3715.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

The current limits for certain categories are being adjusted, variously, for swing and carryover.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 56 FR 60101, published on November 27, 1991). Also see 56 FR 58556, published on November 20, 1991.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

May 7, 1992.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on November 15, 1991, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool and man-made fiber textile products, produced or manufactured in Hungary and exported during the twelve-month period which began on January 1, 1992 and extends through December 31, 1992.

Effective on May 14, 1992, you are directed to amend further the directive dated November 15, 1991, to adjust the limits for the following categories, as provided under the terms of the current bilateral agreement between the Governments of the United States and the Republic of Hungary:

Category	Adjusted twelve-month limit [1]
410	673,070 square meters.
433	18,315 dozen.
434	16,520 dozen.
435	25,606 dozen.
443	177,652 numbers.
444	54,340 numbers.
448	33,040 dozen.

[1] The limits have not been adjusted to account for any imports exported after December 31, 1991.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 92–11118 Filed 5–11–92; 8:45 am]

BILLING CODE 3510–DR–F

Adjustment of Import Limits for Certain Cotton, Wool, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textile Products Produced or Manufactured in Indonesia

May 6, 1992.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs adjusting limits.

EFFECTIVE DATE: May 13, 1992.

FOR FURTHER INFORMATION CONTACT: Jennifer Tallarico, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 535–9480. For information on embargoes and quota re-openings, call (202) 377–3715.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

The current limits for certain categories are being adjusted, variously, for carryover and special swing.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 56 FR 60101, published on November 27, 1991). Also

see 56 FR 26392, published on June 7, 1991.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

Philip J. Martello,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

May 6, 1992.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on June 4, 1991, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool, man-made fiber, silk blend and other vegetable fiber textile products, produced or manufactured in Indonesia and exported during the twelve-month period which began on July 1, 1991 and extends through June 30, 1992.

Effective on May 13, 1992, you are directed to amend further the directive dated June 4, 1991 to adjust the limits for the following categories, as provided under the terms of the current bilateral agreement between the Governments of the United States and Indonesia:

Category	Adjusted twelve-month limit [1]
338/339	767,086 dozen.
340	554,852 dozen.
347/348	1,082,470 dozen.
445/446	34,882 dozen.
641	1,614,086 dozen.
645/646	447,440 dozen.
647	653,523 dozen.
Sublevels in Group II	
631	984,726 dozen pairs.
847	288,465 dozen.
Subgroup in Group II	
400–444 and 447–469, as a group.	2,955,595 square meters equivalent.

[1] The limits have not been adjusted to account for any imports exported after June 30, 1991.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Philip J. Martello,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 92–11042 Filed 5–11–92; 8:45 am]

BILLING CODE 3510-DR-F

DEPARTMENT OF DEFENSE

Public Information Collection Requirement Submitted to OMB for Review

ACTION: Notice.

The Department of Defense has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Title, Applicable Form, and Applicable OMB Control Number: Armament Sector Analysis of Precision Guided Munition Questionnaire; OMB No. 0701–0115.

Type of Request: Reinstatement.

Average Burden Hours/Minutes Per Response: 4 hours.

Responses Per Respondent: 1.

Number of Respondents: 574.

Annual Burden Hours: 2,296.

Annual Responses: 574.

Needs and Uses: This questionnaire is used to perform detailed and indepth analysis of the defense industrial base's capacity to meet and sustain high production rates for selected Precision Guided Munitions and Combined Effects Munitions during periods of national emergency. Analysis will illuminate production shortfalls and provide viable solutions.

Affected Public: Business or other for-profit.

Frequency: Annually.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Mr. Peter Weiss.

Written comments and recommendations on the proposed information collection should be sent to Mr. Weiss at the Office of Management and Budget, Desk Officer for DoD, room 3235, New Executive Office Building, Washington, DC 20503.

DoD Clearance Officer: Mr. William P. Pearce.

Written requests for copies of the information collection proposal should be sent to Mr. Pearce, WHS/DIOR, 1215 Jefferson Davis Highway, suite 1204, Arlington Virginia 22202–4302.

Dated: May 7, 1992.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 92–11062 Filed 5–11–92; 8:45 am]

BILLING CODE 3810-01-M

Public Information Collection Requirement Submitted to OMB for Review

ACTION: Notice.

The Department of Defense has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Title, Applicable Form, and Applicable OMB Control Number: DO-Rating for Production Equipment; DD Form 691; OMB Control Number 0704–0055.

Type of Request: Reinstatement.

Average Burden Hours/Minutes Per Response: 1 Hour.

Responses Per Respondent: 1.

Number of Respondents: 655.

Annual Burden Hours: 655.

Annual Responses: 655.

Needs and Uses: E.O. 10480 delegated to DoD authority to require certain contracts and orders relating to approved Defense Programs to be accepted and performed on a preferential basis. This program helps contractors acquire industrial equipment in a timely manner, thereby providing vital weapon(s) systems to the government in a short time frame.

Affected Public: Businesses or other for-profit; Non-profit institutions; Small businesses or organizations.

Frequency: On occasion.

Respondents Obligation: Required to obtain or retain a benefit.

OMB Desk Officer: Mr. Edward C. Springer.

Written comments and recommendations on the proposed information collection should be sent to Mr. Springer at the Office of Management and Budget, Desk Officer for DoD, room 3235, New Executive Office Building, Washington, DC 20503.

DOD Clearance Officer: Mr. William P. Pearce.

Written requests for copies of the information collection proposal should be sent to Mr. Pearce, WHS/DIOR, 1215 Jefferson Davis Highway, suite 1204, Arlington, Virginia 22202–4302.

Dated: May 7, 1992.

L. M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 92–11063 Filed 5–11–92; 8:45 am]

BILLING CODE 3810-01-M

Public Information Collection Requirement Submitted to OMB for Review

ACTION: Notice.

The Department of Defense has submitted to OMB for clearance the following proposal for collection of information under the provisions of the

Paperwork Reduction Act (44 U.S.C. chapter 35)

Title, Applicable Form, and Applicable OMB Control Number: United States Air Force Academy Graduate Survey.

Type of Request: New collection.

Average Burden Hours/Minutes per Response: 45 Minutes.

Responses per Respondent: 1.

Number of Respondents: 1,200.

Annual Burden Hours: 900.

Annual Responses: 1,200.

Needs and Uses: This is a survey of retired and resigned graduates' attitudes toward Air Force Academy programs and accomplishments since leaving active duty. The data is needed to evaluate the effectiveness of Academy programs. Survey of nonactive duty graduates provides a more complete assessment of the Academy. Data will be combined with that from other sources.

Affected Public: Individuals or households.

Frequency: One-time.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Mr. Edward C. Springer.

Written comments and recommendations on the proposed information collection should be sent to Mr. Springer at the Office of Management and Budget, Desk Officer for DoD, room 3235, New Executive Office Building, Washington, DC 20503.

DOD Clearance Officer: Mr. William P. Pearce.

Written requests for copies of the information collection proposal should be sent to Mr. Pearce, WHS/DIOR, 1215 Jefferson Davis Highway, suite 1204, Arlington, Virginia 22202–4302.

Dated: May 7, 1992.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 92–11064 Filed 5–11–92; 8:45 am]

BILLING CODE 3810–01–M

Public Information Collection Requirement Submitted to OMB for Review

ACTION: Notice.

The Department of Defense has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35)

Title, Application Form, and Applicable OMB Control Number: Custodianship Certificate to Support Claim on Behalf of Minor Children of Deceased Members of the Air Force; AF Form 3116; OMB No. 0701–0092.

Type of Request: Reinstatement

Average Burden Hours/Minutes Per Response: 12 minutes.

Respondents Per Respondent: 1

Number of Respondents: 1,200.

Annual Burden Hours: 240.

Annual Responses: 1,200.

Needs and Uses: This form is used when the retiree dies and had selected annuity coverage for child(ren) and the child(ren) are still under age 18. A custodian receives the annuity pay on behalf of the child(ren). The custodian must certify that he/she has the care and custody of the child(ren) before the annuity is paid.

Affected Public: Individuals or households.

Frequency: On occasion.

Resondent's Obligation: Required to obtain or retain a benefit.

OMB Desk Officer: Mr. Edward C. Springer.

Written comments and recommendations on the proposed information collection should be sent to Mr. Springer at the Office of Management and Budget, Desk Officer for DoD, room 3235, New Executive Office Building, Washington, DC 20503.

DOD Clearance Officer: William P. Pearce.

Written requests for copies of the information collection proposal should be sent to Mr. Pearce, WHS/DIOR, 1215 Jefferson Davis Highway, suite 1204, Arlington, Virginia 22202–4302.

Dated: May 7, 1992.

L.M. Bynum,

Alternative OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 92–11065 Filed 5–11–92; 8:45 am]

BILLING CODE 3810–01–M

Office of the Secretary

Contract Administration Working Group of the DOD Advisory Panel on Streamlining and Codifying Acquisition Laws

AGENCY: Defense Systems Management College, DOD.

ACTION: Request for public comment.

SUMMARY: The Contract Administration Working Group of the DOD Advisory Panel is reviewing the following laws relating to the administration of contract provisions relating to price, delivery and product quality:

10 U.S.C. 2207—Expenditure of appropriations; limitation.

10 U.S.C. 2312—Remission of liquidated damages.

10 U.S.C. 2362—Testing requirements; wheeled or tracked armored vehicles.

10 U.S.C. 2383—Procurement of critical aircraft and ship spare parts: quality control.

10 U.S.C. 2403—Major weapon systems: contractor guarantees.

10 U.S.C. 4534—Subsistence supplies; contract stipulations: place of delivery on inspection.

10 U.S.C. 9534—Subsistence supplies; contract stipulations: place of delivery on inspection.

31 U.S.C. 6306—Authority to vest title in tangible personal property for research.

41 U.S.C. 15—Transfers of contracts; assignments of claims; set-off against assignee.

41 U.S.C. 20—Deposit of contracts.

41 U.S.C. 36—Liability for contract breach; cancellation; completion by Government agency; employee's wages.

41 U.S.C. 254—Contracts requirements.

41 U.S.C. 417—Record requirements.

The Contract Administration Working Group has recently identified the following law to be included in its review. This law is not included in the category of laws relating to the administration of contract provisions relating to price, delivery and product quality; however, the Working Group will review this law and requests any public comments on it.

10 U.S.C. 2330—Integrated financing policy.

Request responses to the following questions on each law:

—Is the law serving its intended purpose?

—Has the law created inefficiencies?

—Has it unduly burdened the buyer/seller relationship?

—Is it required for the continuing financial and ethical integrity of defense procurement programs?

—Is it required to protect the best interests of DOD?

—Is the law still relevant?

—Does it overlap, duplicate, or conflict with other laws?

—Does it contain ambiguous terms or provisions which have led to problems in interpretation?

—Should the law apply to commercial products?

—Should it apply to first tier subcontracts, or all subcontracts?

The panel also solicits suggestions of other laws relating to the administration of contract provisions relating to price, delivery, and product quality.

The Contract Administration Working Group will be presenting initial recommendations on the laws relating to the administration of contract provisions relating to price, delivery and product quality to the panel at its June 18, 1992

meeting. Comments must be received by June 1, 1992 in order to be fully considered by the Working Group.

Individuals and organizations wishing to provide information to the Contract Administration Working Group may provide the information to Ms. Diane Sidebottom, Acquisition Law Task Force, at Defense Systems Management College, 8580 Cinderbed Road, suite 800, Newington, VA 22122 (703–355–2665).

Dated: May 7, 1992.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer Department of Defense.

[FR Doc. 92–11059 Filed 5–11–92; 8:45 am]

BILLING CODE 3810–01–M

Standards of Conduct Working Group of the DOD Advisory Panel on Streamlining and Codifying Acquisition Laws

AGENCY: Defense Systems Management College, DOD.

ACTION: Notice of public meeting.

SUMMARY: Section 800 of the 1991 Defense Authorization Act (Pub. L. 101–510) established an Advisory Panel on Streamlining and Codifying Acquisition Laws. The Standards of Conduct group of that panel will hold a public meeting at 10 a.m. on Thursday, May 21, 1992 in the 9th floor large conference room of Steptoe & Johnson, 1330 Connecticut Avenue, NW., Washington, DC.

The group seeks public comments on the Civil False Claims Act, procurement integrity and rulemaking. See notice at 57 FR 57 13717 (April 17, 1992). For more information, please contact Robert D. Wallick at Steptoe & Johnson (202/429–8111).

Dated: May 7, 1992.

Linda M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 92–11060 Filed 5–11–92; 8:45 am]

BILLING CODE 3810–01–M

DOD Advisory Panel on Streamlining and Codifying Acquisition Laws

AGENCY: Defense Systems Management College.

ACTION: Notice of meeting.

SUMMARY: Open to the public on June 3, 1992, starting at 8:30 a.m. at the Defense Systems Management College in Building 184 on Fort Belvoir, VA. The panel will hear presentations and recommendations by the various panel working groups on the statutes they have reviewed to date.

For further information contact Major Jean Kopala at (703) 355–2665.

Dated: May 7, 1992.

Linda M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

FR Doc. 92–11061 Filed 5–11–92; 8:45 am]

BILLING CODE 3810–01–M

Per Diem, Travel and Transportation Allowance Committee

AGENCY: Per Diem, Travel and Transportation Allowance Committee.

ACTION: Publication of changes in per diem rates.

SUMMARY: The Per Diem, Travel and Transportation Allowance Committee is publishing Civilian Personal Per Diem Bulletin Number 161. This bulletin lists changes in per diem rates prescribed for U.S. Government employees for official travel in Alaska, Hawaii, Puerto Rico, the Northern Mariana Islands and Possessions of the United States. Bulletin Number 161 is being published in the Federal Register to assure that travelers are paid per diem at the most current rates.

EFFECTIVE DATE: 1 May 1992.

SUPPLEMENTARY INFORMATION: This document gives notice of changes in per diem rates prescribed by the Per Diem Travel and Transportation Allowance Committee for non-foreign areas outside the continental United States. Distribution of Civilian Personnel Per Diem Bulletins by mail was discontinued effective 1 June 1979. Per Diem Bulletins published periodically in the Federal Register now constitute the only notification of change in per diem rates to agencies and establishments outside the Department of Defense.

The text of the Bulletin follows:

BILLING CODE 3810–01–M

MAXIMUM PER DIEM RATES FOR OFFICIAL TRAVEL IN ALASKA, HAWAII, THE COMMONWEALTHS OF PUERTO RICO AND THE NORTHERN MARIANA ISLANDS AND POSSESSIONS OF THE UNITED STATES BY FEDERAL GOVERNMENT CIVILIAN EMPLOYEES

LOCALITY	MAXIMUM LODGING AMOUNT (A)	+	M&IE RATE (B)	=	MAXIMUM PER DIEM RATE (C)	EFFECTIVE DATE
ALASKA:						
ADAK 5/	$ 10		$ 34		$ 44	10-01-91
ANAKTUVUK PASS	83		57		140	12-01-90
ANCHORAGE						
05-15--09-15	174		71		245	05-15-92
09-16--05-14	85		62		147	05-01-92
ANIAK	73		36		109	07-01-91
ATQASUK	129		86		215	12-01-90
BARROW	86		73		159	06-01-91
BETHEL						
05-01--09-30	93		83		176	05-01-92
10-01--04-30	80		81		161	02-01-92
BETTLES	65		45		110	12-01-90
CANTWELL	62		46		108	06-01-91
COLD BAY	71		54		125	12-01-90
COLDFOOT	75		47		122	12-01-90
CORDOVA	83		77		160	02-01-92
CRAIG	67		35		102	07-01-91
DILLINGHAM	76		38		114	12-01-90
DUTCH HARBOR-UNALASKA	113		67		180	05-01-92
EIELSON AFB						
05-15--09-15	100		66		166	05-15-92
09-16--05-14	66		63		129	05-01-92
ELMENDORF AFB						
05-15--09-15	174		71		245	05-15-92
09-16--05-14	85		62		147	05-01-92
EMMONAK	60		40		100	06-01-91
FAIRBANKS						
05-15--09-15	100		66		166	05-15-92
09-16--05-14	66		63		129	05-01-92
FALSE PASS	80		37		117	06-01-91
FT. RICHARDSON						
05-15--09-15	174		71		245	05-15-92
09-16--05-14	85		62		147	05-01-92
FT. WAINWRIGHT						
05-15--09-15	100		66		166	05-15-92
09-16--05-14	66		63		129	05-01-92
HOMER						
05-01--09-30	71		60		131	05-01-92
10-01--04-30	57		58		115	01-01-92

MAXIMUM PER DIEM RATES FOR OFFICIAL TRAVEL IN ALASKA, HAWAII, THE COMMONWEALTHS OF PUERTO RICO AND THE NORTHERN MARIANA ISLANDS AND POSSESSIONS OF THE UNITED STATES BY FEDERAL GOVERNMENT CIVILIAN EMPLOYEES

LOCALITY	MAXIMUM LODGING AMOUNT (A)	+	M&IE RATE (B)	=	MAXIMUM PER DIEM RATE (C)	EFFECTIVE DATE
ALASKA: (CONT'D)						
JUNEAU						
05-01--10-01	$ 88		$ 74		$162	05-01-92
10-02--04-30	75		73		148	01-01-92
KATMAI NATIONAL PARK	89		59		148	12-01-90
KENAI-SOLDOTNA						
04-02--09-30	94		68		162	04-02-92
10-01--04-01	69		66		135	01-01-92
KETCHIKAN						
05-14--10-14	77		61		138	05-14-92
10-15--05-13	62		59		121	01-01-92
KING SALMON 3/	75		59		134	12-01-90
KLAWOCK	75		36		111	07-01-91
KODIAK	71		61		132	01-01-92
KOTZEBUE	125		72		197	01-01-92
KUPARUK OILFIELD	75		52		127	12-01-90
METLAKATLA	79		44		123	07-01-91
MURPHY DOME						
05-15--09-15	100		66		166	05-15-92
09-16--05-14	66		63		129	05-01-92
NELSON LAGOON	102		39		141	06-01-91
NOATAK	125		72		197	01-01-92
NOME						
05-15--09-15	87		72		159	05-15-92
09-16--05-14	76		71		147	05-01-92
NOORVIK	125		72		197	01-01-92
PETERSBURG	72		64		136	05-01-92
POINT HOPE	99		61		160	12-01-90
POINT LAY	106		73		179	12-01-90
PRUDHOE BAY-DEADHORSE	64		57		121	12-01-90
SAND POINT	75		36		111	07-01-91
SEWARD						
05-01--09-30	107		53		160	05-01-92
10-01--04-30	61		48		109	01-01-92
SHUNGNAK	125		72		197	01-01-92
SITKA-MT. EDGECOMBE	72		69		141	01-01-92
SKAGWAY						
05-14--10-14	77		61		138	05-14-92
10-15--05-13	62		59		121	01-01-92
SPRUCE CAPE	71		61		132	01-01-92
ST. GEORGE	100		39		139	06-01-91

MAXIMUM PER DIEM RATES FOR OFFICIAL TRAVEL IN ALASKA, HAWAII, THE COMMONWEALTHS OF PUERTO RICO AND THE NORTHERN MARIANA ISLANDS AND POSSESSIONS OF THE UNITED STATES BY FEDERAL GOVERNMENT CIVILIAN EMPLOYEES

LOCALITY	MAXIMUM LODGING AMOUNT (A)	+	M&IE RATE (B)	=	MAXIMUM PER DIEM RATE (C)	EFFECTIVE DATE
ALASKA: (CONT'D)						
ST. MARY'S	$ 60		$ 40		$100	12-01-90
ST. PAUL ISLAND	81		34		115	12-01-90
TANANA						
05-15--09-15	87		72		159	05-15-92
09-16--05-14	76		71		147	05-01-92
TOK	66		55		121	01-01-92
UMIAT	97		63		160	12-01-90
UNALAKLEET	58		47		105	12-01-90
VALDEZ						
05-01--09-01	98		53		151	05-01-92
09-02--04-30	84		51		135	01-01-92
WAINWRIGHT	90		75		165	12-01-90
WALKER LAKE	82		54		136	12-01-90
WRANGELL						
05-14--10-14	77		61		138	05-14-92
10-15--05-13	62		59		121	01-01-92
YAKUTAT	70		40		110	12-01-90
OTHER 3, 4/	63		47		110	07-01-91
AMERICAN SAMOA	85		47		132	12-01-91
GUAM	112		75		187	05-01-92
HAWAII:						
ISLAND OF HAWAII: HILO	60		38		98	06-01-91
ISLAND OF HAWAII: OTHER	106		43		149	06-01-91
ISLAND OF KAUAI	112		48		160	06-01-91
ISLAND OF KURE 1/			13		13	12-01-90
ISLAND OF MAUI: KIHEI						
04-01--12-19	85		50		135	12-01-90
12-20--03-31	97		50		147	12-20-90
ISLAND OF MAUI: OTHER	62		50		112	06-01-91
ISLAND OF OAHU	95		42		137	06-01-91
OTHER	59		47		106	12-01-90
JOHNSTON ATOLL 2/	18		18		36	10-01-91
MIDWAY ISLANDS 1/			13		13	12-01-90
NORTHERN MARIANA ISLANDS:						
ROTA	45		31		76	12-01-90
SAIPAN	68		47		115	12-01-90
TINIAN	44		24		68	12-01-90
OTHER	20		13		33	12-01-90

MAXIMUM PER DIEM RATES FOR OFFICIAL TRAVEL IN ALASKA, HAWAII, THE COMMONWEALTHS OF PUERTO RICO AND THE NORTHERN MARIANA ISLANDS AND POSSESSIONS OF THE UNITED STATES BY FEDERAL GOVERNMENT CIVILIAN EMPLOYEES

LOCALITY	MAXIMUM LODGING AMOUNT (A)	+	M&IE RATE (B)	=	MAXIMUM PER DIEM RATE (C)	EFFECTIVE DATE
PUERTO RICO:						
BAYAMON						
04-16--12-14	$ 93		$ 90		$183	07-01-91
12-15--04-15	116		92		208	12-15-91
CAROLINA						
04-16--12-14	93		90		183	07-01-91
12-15--04-15	116		92		208	12-15-91
FAJARDO (INCLUDING LUQUILLO)						
04-16--12-14	93		90		183	07-01-91
12-15--04-15	116		92		208	12-15-91
FT. BUCHANAN (INCL GSA SERV CTR, GUAYNABO)						
04-16--12-14	93		90		183	07-01-91
12-15--04-15	116		92		208	12-15-91
MAYAGUEZ	84		58		142	07-01-91
PONCE	113		90		203	07-01-91
ROOSEVELT ROADS						
04-16--12-14	66		61		127	07-01-91
12-15--04-15	102		64		166	12-15-91
SABANA SECA						
04-16--12-14	93		90		183	07-01-91
12-15--04-15	116		92		208	12-15-91
SAN JUAN (INCL SAN JUAN COAST GUARD UNITS)						
04-16--12-14	93		90		183	07-01-91
12-15--04-15	116		92		208	12-15-91
OTHER	63		63		126	07-01-91
VIRGIN ISLANDS OF THE U.S.						
05-01--11-30	95		63		158	05-01-91
12-01--04-30	128		66		194	12-01-90
WAKE ISLAND 2/	4		17		21	12-01-90
ALL OTHER LOCALITIES	20		13		33	12-01-90

Footnotes

[1] Commercial facilities are not available. The meal and incidental expense rate covers charges for meals in available facilities plus an additional allowance for incidental expenses and will be increased by the amount paid for Government quarters by the traveler.

[2] Commercial facilities are not available. Only Government-owned and contractor operated quarters and mess are available at this locality. This per diem rate is the amount necessary to defray the cost of lodging, meals and incidental expenses.

[3] On any day when US Government or contractor quarters are available and US Government or contractor messing facilities are used, a meal and incidental expense rate of $16.25 is prescribed to cover meals and incidental expenses at Shemya AFB and the following Air Force Stations: Cape Lisburne, Cape Newenham, Cape Romanzof, Clear, Fort Yukon, Galena, Indian Mountain, King Salmon, Sparrevohn, Tatalina and Tin City. This rate will be increased by the amount paid for US Government or contractor quarters and by $4 for each meal procured at a commercial facility. The rates of per diem prescribed herein apply from 0001 on the day after arrival through 2400 on the day prior to the day of departure.

[4] On any day when US government or contractor quarters are available and US Government or contractor messing facilities are used, a meal and incidental expense rate of $34 is prescribed to cover meals and incidental expenses at Amchitka Island, Alaska. This rate will be increased by the amount paid for US Government or contractor quarters and by $10 for each meal procured at a commercial facility. The rates of per diem prescribed herein apply from 0001 on the day after arrival through 2400 on the day prior to the day of departure.

[5] On any day when US Government or contractor quarters are available and UB Government or contractor messing facilities are used, a meal and incidental expense rate of $25 is prescribed instead of the rate prescribed in the table. This rate will be increased by the amount paid for U.S. government or contractor quarters.

Dated: May 7, 1992.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 92–11057 Filed 5–11–92; 8:45 am]

BILLING CODE 3810-01-M

Department of the Army

Army Science Board; Open Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcemnent is made of the following Committee Meeting:

Name of the Committee: Army Science Board (ASB).

Dates of the Meeting: 28–29 May 1992.

Time: 0830–1700 Hours.

Place: Washington, DC and vicinity.

Agenda: The Army Science Board Infrastructure and Environment Panel issue Group will meet to discuss the study on "Groundwater Modeling in the Army's Environmental Restoration Programs." This meeting will be open to the public. Any interested person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee. The ASB Administrative Officer, Sally Warner, may be contacted for further information (703) 695–0781.

Sally A Warner,

Administrative Officer Army Science Board.

[FR Doc. 92–11007 Filed 5–11–92; 8:45 am]

BILLING CODE 3710-08-M

Department of the Navy

Notice of Intent to Prepare an Environmental Impact Statement for Proposed Realignment of Dahlgren Division, Naval Surface Warfare Center, Dahlgren, VA

Pursuant to section 102(2)(C) of the National Environmental Policy Act (NEPA) of 1969 as implemented by the Council on Environmental Quality regulations (40 CFR parts 1500–1508), the Department of the Navy announces its intent to prepare an Environmental Impact Statement (EIS) to evaluate the environmental effects of the realignment of Dahlgren Division, Naval Surface Warfare Center, Dahlgren, Virginia. This realignment is being conducted in compliance with the Defense Base Closure and Realignment Act of 1990.

The proposed action involves the relocation of personnel and activities from White Oak Division, Naval Surface Warfare Center, Naval Underwater Support Center New London, Naval Coastal System Command Panama City, and Naval Command Control and Ocean Surveillance Center San Diego to Dahlgren Division, Naval Surface Warfare Center. As part of the proposed action, the existing on-base sewage treatment plant capacity would be upgraded to 600,000 gallons per day (gpd) from its existing capacity of 400,000 gpd. Also, a new 171,000 square feet research, development, testing, and evaluating laboratory will be constructed to accommodate the relocated activities.

Major environmental issues that will be addressed in the EIS include, but are not limited to, water quality, wetlands, endangered species, cultural resources and local infrastructure impacts.

The Navy will initiate a scoping process for the purpose of determining the scope of issues to be addressed and for identifying the significant issues related to this action. The Navy will hold a public scoping meeting on May 28, 1992, beginning at 7 p.m., at the Station Theater, Building 117 on Dahlgren Division, Naval Surface Warfare Center. This meeting will be advertised in Dahlgren area newspapers.

A brief presentation will preceed request for public comment. Navy representatives will be available at this meeting to receive comments from the public regarding issues of concern to the public. It is important that federal, state, and local agencies and interested individuals take this opportunity to identify environmental concerns that should be addressed during the preparation of the EIS. In the interest of available time, each speaker will be asked to limit their oral comments to 5 minutes.

Agencies and the public are also invited and encouraged to provide written comment in addition to, or in lieu of, oral comments at the public meeting. To be most helpful, scoping comments should clearly describe specific issues or topics which the commentor believes the EIS should address. Written statements and or questions regarding the scoping process should be mailed no later than June 15, 1992, to Commanding Officer, Chesapeake Division, Naval Facilities Engineering Command, Washington Navy Yard, Washington, DC 19374 (Attn: Mr. Larry Chernikoff, Code 20), telephone (202) 433–3387.

Dated: May 7, 1992.

Wayne Baucino,

Lt, JAGC, USNR, Department of the Navy, Federal Register Liaison Officer.

[FR Doc. 92–11070 Filed 5–11–92; 8:45 am]

BILLING CODE 3810-AE-M

DEPARTMENT OF ENERGY

Strategic Petroleum Reserve; Floodplain and Wetland Involvement Notification for Replacement of the Brine Pipeline for the Strategic Petroleum Reserve Bryan Mound Facility in Brazoria County, TX

AGENCY: Strategic Petroleum Reserve (SPR), Department of Energy (DOE).

ACTION: Notice of floodplain and wetland involvement and solicitation of comments.

SUMMARY: The SPR is proposing to replace a deteriorated brine disposal

pipeline and diffuser for the Bryan Mound storage facility in Brazoria County, Texas. The project would be located within the 100-year floodplain and would involve construction in wetlands of a new pipeline 10 feet from the existing line which would be abandoned. From the Bryan Mound facility, the new pipeline would extend southeast across coastal marsh, the Intracoastal Waterway, a spoil disposal area, and dunes and beach to the Gulf of Mexico 2 miles away. The pipeline would continue 3.5 miles offshore to a new diffuser location at the 30-foot contour.

INVITATION TO COMMENT AND DATES: The public is invited to provide written comments or suggestions on the project. These should be postmarked by May 27, 1992. Written comments and suggestions postmarked after that date will be considered to the degree practicable.

ADDRESSES: Written comments, suggestions or questions concerning the project or requests to be put on the mailing list for environmental review documents for the project should be directed to: Mr. Hal Delaplane, Strategic Petroleum Reserve (FE–423), U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585, Telephone: (202) 586–4730..

Envelopes should be labeled "Re: Bryan Mound Brine Line".

FURTHER INFORMATION: For further information on general DOE floodplain and wetlands environmental review requirements or the status of a review under the National Environmental Policy Act (NEPA), please contact: Ms. Carol M. Borgstrom, Director, Office of NEPA Oversight (EH–25), U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585, Telephone: (202) 586–4600 or (800) 472–2756.

SUPPLEMENTARY INFORMATION: The SPR Bryan Mound storage facility is located in southwestern Brazoria County, Texas 3 miles southwest of Freeport. The Gulf of Mexico lies 2 miles southeast.

The site is a salt dome which rises by as much as 15 feet above surrounding tidal ponds and brackish marsh. The immediate vicinity is heavily industrialized and is protected by a system of levees. The coastal wetlands and floodplain within this industrial complex are highly disturbed and drainage patterns have been altered and controlled.

The existing pipeline that will be abandoned is 36-inch unlined steel. The replacement pipeline would be 24-inch cement-lined steel and would have a smaller diffuser a the end.

The new pipeline would extend southeast from the Bryan Mound facility and would be laid in a trench excavated in the existing 75-foot right-of-way, 10 feet from the abandoned line. It would cross about 0.6 mile of brackish marsh, the Intracoastal Waterway, about 0.9 mile of spoil disposal area, and 300 feet of dunes and beach. The new pipeline would extend about 3.5 miles into the Gulf of Mexico and terminate at the 30-foot contour with an 18-port, 1,100-foot diffuser.

Onshore, excavated material would be retained for backfill to restore the trench to original contours: Offshore, the trench would be excavated by hydraulic jetting, and the pipeline would be covered by sedimentation.

The SPR is preparing an Environmental Assessment (EA) on this proposed action under the NEPA. The EA will include a Floodplain/Wetland Assessment under DOE regulations for floodplain and wetland environmental review (10 CFR Part 1022).

James G. Randolph,

Assistant Secretary for Fossil Energy.

[FR Doc. 92–11114 Filed 5–11–92; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Project NO. 1389–001, California]

Southern California Edison; Availability of Environmental Assessment

May 6, 1992.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission's) regulations, 18 CFR part 380 (Order No. 486, 52 FR 47897), the Office of Hydropower Licensing has reviewed the application for new license for the Rush Creek Project, located on Rush Creek, in Inyo and Mono Counties, California, and has prepared an Environmental Assessment (EA) for the project. In the EA, the Commission's staff has analyzed the environmental impacts of the project and has concluded that approval of the proposed project would not constitute a major federal action significantly affecting the quality of the human environment.

Copies of the EA are available for review in the Public Reference Branch, room 3104, of the Commission's offices at 941 North Capitol Street NE., Washington, DC 20426.

Lois D. Cashell,

Secretary.

[FR Doc. 92–11081 Filed 5–11–92; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. ST92–2670–000; ST92–3212–000]

Valero Transmission, L.P.; Self-Implementing Transactions

May 6, 1992.

Take notice that the following transactions have been reported to the Commission as being implemented pursuant to part 284 of the Commission's regulations, sections 311 and 312 of the Natural Gas Policy Act of 1978 (NGPA) and section 5 of the Outer Continental Shelf Lands Act.[1]

The "Recipient" column in the following table indicates the entity receiving or purchasing the natural gas in each transaction.

The "Part 284 Subpart" column in the following table indicates the type of transaction.

A "B" indicates transportation by an interstate pipeline on behalf of an intrastate pipeline or a local distribution company pursuant to § 284.102 of the Commission's regulations and section 311(a)(1) of the NGPA.

A "C" indicates transportation by an intrastate pipeline on behalf of an interstate pipeline or a local distribution company served by an interstate pipeline pursuant to § 284.122 of the Commission's regulations and section 311(a)(2) of the NGPA.

A "D" indicates a sale by an intrastate pipeline to an interstate pipeline or a local distribution company served by an interstate pipeline pursuant to § 284.142 of the Commission's Regulations and section 311(b) of the NGPA. Any interested person may file a complaint concerning such sales pursuant to § 284.147(d) of the Commission's Regulations.

An "E" indicates an assignment by an intrastate pipeline to any interstate pipeline or local distribution company pursuant to § 284.163 of the Commission's regulations and section 312 of the NGPA.

A "G" indicates transportation by an interstate pipeline on behalf of another interstate pipeline pursuant to § 284.222 and a blanket certificate issued under § 284.221 of the Commission's regulations.

A "G–S" indicates transportation by interstate pipelines on behalf of shippers other than interstate pipelines pursuant to § 284.223 and a blanket certificate issued under § 284.221 of the Commission's regulations.

[1] Notice of a transaction does not constitute a determination that the terms and conditions of the proposed service will be approved or that the noticed filing is in compliance with the Commission's regulations.

A "G–LT" or "G–LS" indicates transportation, sales or assignments by a local distribution company on behalf of or to an interstate pipeline or local distribution company pursuant to a blanket certificate issued under § 284.224 of the Commission's regulations.

A "G–HT" or "G–HS" indicates transportation, sales or assignments by a Hinshaw Pipeline pursuant to a blanket certificate issued under § 284.224 of the Commission's regulations.

A "K" indicates transportation of natural gas on the Outer Continental Shelf by an interstate pipeline on behalf of another interstate pipeline pursuant to § 284.303 of the Commission's regulations.

A "K–S" indicates transportation of natural gas on the Outer Continental Shelf by an intrastate pipeline on behalf of shippers other than interstate pipelines pursuant to § 284.303 of the Commission's regulations.

Lois D. Cashell,

Secretary.

Docket No.[1]	Transporter/seller	Recipient	Date filed	Part 284 subpart	Est. max. daily quantity [2]	Aff. Y/A/N [3]	Rate schedule	Date commenced	Projected termination date
ST92-2670	Valero Transmission, L.P.	Transwestern Pipeline Co.	03-02-92	C	30,000	N	I	02-01-92	Indef
ST92-2671	Valero Transmission, L.P.	Transwestern Pipeline Co.	03-02-92	C	30,000	N	I	02-01-92	Indef
ST92-2672	Questar Pipeline Co	Mountain Fuel Supply Co.	03-02-92	B	123,508	N	I	02-01-92	06-30-99
ST92-2673	Iroquois Gas Transmission System, L.P.	Cmex, Energy, Inc	03-02-92	G-S	567,000	N	I	02-01-92	10-31-92
ST92-2674	Iroquois Gas Transmission System, L.P.	Gasmark, Inc	03-02-92	G-S	100,000	N	I	02-01-92	10-31-92
ST92-2675	Iroquois Gas Transmission System, L.P.	Yankee Gas Services Co.	03-02-92	B	550,000	N	I	02-25-92	10-31-92
ST92-2676	Arkla Energy Resources	Entrade Corp.	03-02-92	G-S	800	N	I	01-01-92	Indef
ST92-2677	Columbia Gas Transmission Corp.	Virginia Natural Gas, Inc	03-02-92	B	48,000	Y	I	02-01-92	Indef
ST92-2678	Great Lakes Gas Transmission L.P.	Texpar Energy, Inc	03-02-92	G-S	30,000	N	I	02-01-92	Indef
ST92-2679	Midwestern Gas Transmission Co.	Citizens Gas Supply Corp.	03-02-92	G-S	700,000	N	I	05-23-91	Indef
ST92-2680	Midwestern Gas Transmission Co.	Panhandle Trading Co	03-02-92	G-S	50,000	N	I	02-01-92	Indef
ST92-2681	Tennessee Gas Pipeline Co.	Kerr McGee Corp	03-02-92	G-S	1,215,000	N	I	02-05-92	Indef
ST92-2682	Tennessee Gas Pipeline Co.	Ocean State Power	03-02-92	G-S	110,000	N	I	02-20-92	Indef
ST92-2683	Tennessee Gas Pipeline Co.	Trinity Pipeline Inc	03-02-92	G-S	37,913	N	I	02-01-92	Indef
ST92-2684	Tennessee Gas Pipeline Co.	Conoco, Inc	03-02-92	G-S	696,488	N	I	02-01-92	Indef
ST92-2685	Tennessee Gas Pipeline Co.	Energy Marketing Exchange, Inc.	03-02-92	G-S	102,500	N	I	02-01-92	Indef
ST92-2686	Tennessee Gas Pipeline Co.	O&R Energy Development, Inc.	03-02-92	G-S	300,000	N	I	02-01-92	Indef
ST92-2687	Tennessee Gas Pipeline Co.	Channel Industries Gas Co.	03-02-92	B	500,000	A	I	11-05-91	Indef
ST92-2688	Natural Gas P/L Co of America.	Gasmark, Inc	03-02-92	G-S	50,000	N	I	02-01-92	Indef
ST92-2689	Natural Gas P/L Co of America.	Gasmark, Inc	03-02-92	G-S	100,000	N	I	02-01-92	Indef
ST92-2690	Natural Gas P/L Co. of America.	Clinton Gas Transmission, Inc.	03-02-92	G-S	5,000	N	I	02-01-92	Indef
ST92-2691	East Texas Gas Systems.	Texas Gas Transmission Corp.	03-02-92	C	50,000	N	I	02-01-92	Indef
ST92-2692	Mueces Co	Colorado Interstate Gas Co.	03-02-92	C	15,000	N	I	02-01-92	Indef
ST92-2693	Delhi Gas Pipeline Corp	Natural Gas P/L Co. of America.	03-02-92	C	2,000	N	I	02-01-92	12-31-99
ST92-2694	Delhi Gas Pipeline Corp	Oktex Pipeline Co	03-02-92	C	250,000	N	I	02-10-92	Indef
ST92-2695	Delhi Gas Pipeline Corp	Texas Eastern Transmission Corp.	03-02-92	C	250,000	N	I	02-02-92	Indef
ST92-2696	Delhi Gas Pipeline Corp	Tennessee Gas Pipeline Co.	03-02-92	C	250,000	N	I	02-04-92	Indef
ST92-2697	Trunkline Gas Co	Ward Gas Marketing, Inc.	03-03-92	G-S	20,000	N	I	02-05-92	Indef
ST92-2698	Trunkline Gas Co	CMS Gas Marketing Co	03-03-92	G-S	100,000	N	I	02-06-92	Indef
ST92-2699	Trunkline Gas Co	NGC, Transportation, Inc.	03-03-92	G-S	100,000	N	I	02-13-92	Indef
ST92-2700	Tennessee Gas Pipeline Co.	Union Texas Petroleum Corp.	03-03-92	G-S	200,000	N	I	02-02-92	Indef
ST92-2701	Transcontinental Gas P/L Corp.	Murphy Oil USA, Inc	03-03-92	G-S	60,000	N	I	02-08-92	Indef
ST92-2702	Sonat Intrastate-Alabama Inc.	Southern Natural Gas Co.	03-03-92	C	300	N	I	02-02-92	Indef

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ST92-2703	Sabine Pipeline Co	Houston Pipeline Co	03-03-92	B	20,000	N	I	02-10-92	Indef
ST92-2704	Sabine Pipeline Co	Acadian Gas Pipeline System.	03-03-92	B	250,000	N	I	02-01-92	Indef
ST92-2705	Sabine Pipeline Co	Louisiana Resources Co.	03-03-92	B	105,000	N	I	02-01-92	Indef
ST92-2706	Columbia Gas Transmission Corp.	Interstate Gas Marketing, Inc.	03-03-92	G-S	235,000	Y	I	02-10-92	Indef
ST92-2707	Stingray Pipeline Co	MG Natural Gas Corp	03-04-92	K-S	50,000	N	I	02-05-92	Indef
ST92-2708	Ong Transmission Co	Oktex Pipeline Co	03-04-92	C	50,000	N	I	02-10-92	Indef
ST92-2709	Ong Transmission Co	ANR Pipeline Co	03-04-92	C	20,000	N	I	02-05-92	Indef
ST92-2710	Iktex Pipeline Co	Lone Star Gas Co	03-04-92	B	50,000	N	I	02-10-92	Indef
ST92-2711	Oktex Pipeline Co	Coastal Gas Marketing Co.	03-04-92	G-S	17,600	N	I	02-04-92	09-30-99
ST92-2712	Midwestern Gas Transmission Co.	NGC Transportation, Inc.	03-04-92	G-S	400,000	N	I	06-11-92	Indef
ST92-2713	Arkla Energy Resources	Trinity Pipeline, Inc	03-04-92	B	300,000	A	I	11-02-92	Indef
ST92-2714	Mississippi River Transmission Corp.	Entrade Corp	03-04-92	G-S	7,500	N	F	03-01-92	Indef
ST92-2715	Tennessee Gas Pipeline Co.	Stellar Gas Co	03-05-92	G-S	60,000	N	I	02-15-92	Indef
ST92-2716	Natural Gas P/L Co. of America.	Calcasieu Gas Gathering System.	03-05-92	G-S	20,000	N	I	02-22-92	Indef
ST92-2717	Natural Gas P/L Co. of America.	Hadson Gas Systems, Inc.	03-05-92	G-S	100,000	N	I	01-18-92	Indef
ST92-2718	Natural Gas P/L Co. of America.	Tenngasco Marketing Corp.	03-05-92	G-S	150,000	N	I	01-19-92	Indef
ST92-2719	Natural Gas P/L Co. of America.	Tennagasco Marketing Corp.	03-05-92	G-S	50,000	N	I	01-14-92	Indef
ST92-2720	Natural Gas P/L Co of America.	Aquila Energy Marketing Corp.	03-05-92	G-S	100,000	N	I	12-12-91	Indef.
ST92-2721	Natural Gas P/L Co of America.	Tejas Power Corp	03-05-92	G-S	100,000	N	I	02-11-92	Indef.
ST92-2722	Colorado Interstate Gas Co.	Northern Natural Gas Co.	03-05-92	G-S	50,000	N	I	01-08-92	Indef.
ST92-2723	Mississippi River Trans. Corp.	Enogex, Inc	03-05-92	G-S	30,000	Y	I	11-01-91	Indef.
ST92-2724	National Fuel Gas Supply Corp.	American Lumber Co	03-05-92	B	400	N	I	02-05-92	02-04-12.
ST92-2725	National Fuel Gas Supply Corp.	Franklin Steel	03-05-92	B	4,000	N	I	02-05-92	02-04-12.
ST92-2726	National Fuel Gas Supply Corp.	Carbone of America Industries Corp.	03-05-92	B	1,200	N	I	02-05-92	02-04-12.
ST92-2727	Columbia Gulf Transmission Co.	Chevron USA, Inc	03-05-92	G-S	100,000	N	I	12-13-92	Indef.
ST92-2728	Columbia Gulf Transmission Co.	O & R Energy, Inc	03-05-92	G-S	80,000	N	I	02-11-92	Indef.
ST92-2729	Columbia Gulf Transmission Co.	Energy Marketing Services, Inc.	03-05-92	G-S	50,000	N	I	02-19-92	Indef.
ST92-2730	Columbia Gulf Transmission Co.	Panhandle Trading Co	03-05-92	G-S	150,000	N	I	02-13-92	Indef.
ST92-2731	Columbia Gulf Transmission Co.	Tenngasco Corp	03-05-92	G-S	75,000	N	I	02-11-92	Indef.
ST92-2732	Coastal States Gas Trans. Co.	Oktex Pipeline Co	03-05-92	C	17,600	N	I	02-04-92	09-30-99.
ST92-2733	Oasis Pipe Line Co	Northern Natural Gas Co.	03-05-92	C	50,000	N	I	12-20-92	Indef.
ST92-2734	Trailblazer Pipeline Co	Coastal Gas Marketing Co.	03-06-92	G-S	100,000	N	I	02-16-92	Indef.
ST92-2735	East Texas Gas Systems.	Tennessee Gas Pipeline Co.	03-06-92	C	50,000	N	I	02-01-92	Indef.
ST92-2736	Williston Basin Inter. P/L Co.	Koch Hydrocarbon Co	03-06-92	G-S	10,200	Y	I	02-05-92	09-30-92.
ST92-2737	Williston Basin Inter. P/L Co.	Marathon Oil Co	03-06-92	G-S	10,200	N	I	02-08-92	01-31-94.
ST92-2738	Williston Basin Inter. P/L Co.	Hiland Partners	03-06-92	G-S	72,900	A	I	02-05-92	05-31-93.
ST92-2739	Texas Eastern Transmission Corp.	Enermax, Div. of Nukem, Inc.	03-06-92	G-S	65,000	N	I	02-06-92	Indef.
ST92-2740	Texas Eastern Transmission Corp.	Ledco, Inc	03-06-92	G-S	160,000	N	I	02-01-92	Indef.
ST92-2741	Texas Eastern Transmission Corp.	Gasmark, Ltd	03-06-92	G-S	400,000	N	I	02-01-92	Indef.
ST92-2742	Texas Eastern Transmission Corp.	San Jacinto Gas Transmission Co.	03-06-92	G-S	140,000	N	I	01-25-92	Indef.
ST92-2743	Valero Interstate Trans. Co.	Valero Transmission, L. P.	03-06-92	B	200,000	Y	I	01-09-92	Indef.
ST92-2744	El Paso Natural Gas Co	Tennegasco Marketing Corp.	03-06-92	G-S	50,000	A	I	02-20-92	Indef.
ST92-2745	El Paso Natural Gas Co	Tennegasco Marketing Corp.	03-06-92	G-S	103,000	A	I	02-20-92	Indef.

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ST92-2746	El Paso Natural Gas Co.	Schalk Development Co.	03-06-92	G-S	309	A	I	02-14-92	Indef.
ST92-2747	Northern Natural Gas Co.	Associated Natural Gas Inc.	03-06-92	G-S	40,000	N	F/I	02-08-92	Indef.
ST92-2748	Northern Natural Gas Co.	NGC Transportation, Inc.	03-06-92	G-S	500,000	N	F/I	02-01-92	01-31-94.
ST92-2749	Northern Natural Gas Co.	Twister Transmission Co.	03-06-92	G-S	30,000	N	F/I	02-05-92	02-7-94.
ST92-2750	Northern Natural Gas Co.	Seagull Marketing Service, Inc.	03-06-92	G-S	100,000	N	F/I	02-05-92	Indef.
ST92-2751	Northern Natural Gas Co.	Seagull Marketing Services, Inc.	03-06-92	G-S	10,000	N	F	01-01-92	12-31-93.
ST92-2752	Northern Natural Gas Co.	Cabot Oil & Gas Marketing Corp.	03-06-92	G-S	50,000	N	F/I	02-07-92	Indef.
ST92-2753	Northern Natural Gas Co.	Gasmark, Ltd	03-06-92	G-S	100,000	N	F/I	02-07-92	02-01-93.
ST92-2754	United Gas Pipe Line Co.	Arkla Energy Marketing Co.	03-06-92	G-S	20,960	N	I	02-21-92	06-20-92.
ST92-2755	United Gas Pipe Line Co.	Polaris Pipeline Corp	03-06-92	G-S	20,960	N	I	02-26-92	06-25-92.
ST92-2756	United Gas Pipe Line Co.	Mobil Natural Gas Inc	03-06-92	G-S	56,400	N	I	02-21-92	06-20-92.
ST92-2757	United Gas Pipe Line Co.	Polaris Pipeline Corp	03-06-92	G-S	26,200	N	I	02-25-92	06-24-92.
ST92-2758	United Gas Pipe Line Co.	Endevco Oil & Gas Co	03-06-92	G-S	26,200	N	I	02-24-92	06-23-92.
ST92-2759	United Gas Pipe Line Co.	Excel Gas Marketing, Inc.	03-06-92	G-S	102,704	N	I	02-21-92	06-20-92.
ST92-2760	East Tennessee Natural Gas Co.	Total Minatome Corp	03-09-92	G-S	75,000	N	I	02-12-92	Indef.
ST92-2761	East Tennessee Natural Gas Co.	Bowater Inc	03-09-92	G-S	30,000	N	I	02-12-92	Indef.
ST92-2762	East Tennessee Natural Gas Co.	North Canadian Marketing Corp.	03-09-92	G-S	100,000	N	I	02-12-92	Indef.
ST92-2763	East Tennessee Natural Gas Co.	Onyx International, Inc	03-09-92	G-S	200,000	N	I	02-12-92	Indef.
ST92-2764	East Tennessee Natural Gas Co.	Kerr-McGee Corp	03-09-92	G-S	50,000	N	I	02-13-92	Indef.
ST92-2765	East Tennessee Natural Gas Co.	Philbro Energy, Inc	03-09-92	G-S	350,000	N	I	02-13-92	Indef.
ST92-2766	East Tennessee Natural Gas Co.	Reliance Gas Marketing Co.	03-09-92	G-S	20,000	N	I	02-13-92	Indef.
ST92-2767	East Tennessee Natural Gas Co.	Madison Gas Systems, Inc.	03-09-92	G-S	200,000	N	I	02-15-92	Indef.
ST92-2768	East Tennessee Natural Gas Co.	Texas-Ohio Gas, Inc	03-09-92	G-S	15,000	N	I	02-15-92	Indef.
ST92-2769	East Tennessee Natural Gas Co.	Pet Inc	03-09-92	G-S	1,600	N	I	02-15-92	Indef.
ST92-2770	East Tennessee Natural Gas Co.	Ashland Gas Marketing, Inc.	03-09-92	G-S	40,000	N	I	02-15-92	Indef.
ST92-2771	East Tennessee Natural Gas Co.	System Supply For End Users.	03-09-92	G-S	100,000	N	I	02-15-92	Indef.
ST92-2772	East Tennessee Natural Gas Co.	Edward & Harding Petroleum.	03-09-92	G-S	5,000	N	I	02-19-92	Indef.
ST92-2773	East Tennessee Natural Gas Co.	CMS Gas Marketing	03-09-92	G-S	50,000	N	I	02-20-92	Indef.
ST92-2774	East Tennessee Natural Gas Co.	Ball Corp	03-09-92	G-S	400	N	I	02-22-92	Indef.
ST92-2775	East Tennessee Natural Gas Co.	Energy Marketing Exchange, Inc.	03-09-92	G-S	50,000	N	I	02-22-92	Indef.
ST92-2776	East Tennessee Natural Gas Co.	CNG Producing Co	03-09-92	G-S	233,690	N	I	02-22-92	Indef.
ST92-2777	East Tennessee Natural Gas Co.	Brooklyn Interstate Nat. Gas Corp.	03-09-92	G-S	100,000	N	I	02-29-92	Indef.
ST92-2778	Panhandle Eastern Pipe Line Co.	Southeastern Michigan Gas Co.	03-09-92	B	2,577	N	F	10-01-91	Indef.
ST92-2779	Panhandle Eastern Pipe Line Co.	Citizens Gas Fuel Co	03-09-92	B	4,056	N	F	11-01-91	Indef.
ST92-2780	Valero Transmission, L.P.	Trunkline Gas Co	03-09-92	C	12,500	N	I	02-15-92	01-01-99.
ST92-2781	Valero Transmission, L.P.	Florida Gas Transmission Co.	03-09-92	C	12,500	N	I	02-08-92	Indef.
ST92-2782	Transtexas Pipeline	Trunkline Gas Co	03-09-92	C	12,500	N	I	02-15-92	01-01-99.
ST92-2783	Transtexas Pipeline	Florida Gas Transmission Co.	03-09-92	C	12,500	N	I	02-08-92	01-01-99.
ST92-2784	CNG Transmission Corp.	Ashland Chemical	03-09-92	G-S	3,000	N	I	02-20-92	Indef.
ST92-2785	CNG Transmission Corp.	Western Gas Marketing	03-09-92	G-S	575,000	N	I	01-16-92	Indef.
ST92-2786	CNG Transmission Corp.	Northeast Energy Associates.	03-09-92	G-S	150,000	N	I	01-16-92	Indef.
ST92-2787	CNG Transmission Corp.	North Jersey Energy Associates.	03-09-92	G-S	150,000	N	I	02-14-92	Indef.

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ST92-2788	CNG Transmission Corp.	Entrade Corp	03-09-92	G-S	100,000	N	I	02-05-92	Indef.
ST92-2789	Trailblazer Pipeline Co.	Western Gas Supply Co.	03-09-92	G-S	353,000	N	I	02-25-92	Indef.
ST92-2790	Arkla Energy Resources.	Louisiana Intrastate Gas Corp.	03-09-92	B	100,000	A	I	01-01-91.	Indef.
ST92-2791	Arkla Energy Resources.	Laser Marketing Co	03-09-92	G-S	100,000	N	I	09-01-91	Indef.
ST92-2792	Arkla Energy Resources.	Minnegasco, Inc	03-09-92	B	150,000	A	I	01-01-91.	Indef.
ST92-2793	Lone Star Gas Co	Oktex Pipeline Co	03-09-92	C	20,000	N	I	02-10-92	Indef.
ST92-2794	K N Energy Inc	Access Energy Corp	03-09-92	G-S	100,000	N	I	02-21-92	Indef.
ST92-2795	Sonat Intrastate-Alabama Inc.	Tennessee Gas Pipeline Co.	03-09-92	C	1,000	N	I	02-12-92	Indef.
ST92-2796	Enogex Inc	Natural Gas P/L Co. of America.	03-09-92	C	10,000	N	I	01-22-92	Indef.
ST92-2797	Colorado Interstate Gas Co.	K N Marketing, Inc	03-10-92	G-S	50,000	N	I	01-01-92	Indef.
ST92-2798	Colorado Interstate Gas Co.	Williams Gas Marketing	03-10-92	G-S	40,000	N	I	12-01-91	Indef.
ST92-2799	Colorado Interstate Gas Co.	Montana Power Co	03-10-92	B	15,000	N	I	12-01-91	12-01-06.
ST92-2800	Williams Natural Gas Co.	Continental Energy	03-10-92	G-S	250	N	I	02-07-92	Indef.
ST92-2801	Columbia Gas Transmission Corp.	Bethlehem Steel Corp	03-10-92	G-S	50,000	Y	I	03-01-92	Indef.
ST92-2802	Columbia Gas Transmission Corp.	Stand Energy Corp	03-10-92	G-S	50	Y	F	02-10-92	04-30-92.
ST92-2803	Columbia Gas Transmission Corp.	Stand Energy Corp	03-10-92	G-S	100	Y	F	02-10-92	04-30-92.
ST92-2804	Columbia Gas Transmission Corp.	Energy Marketing Services, Inc.	03-10-92	G-S	36	Y	F	02-10-92	03-31-92.
ST92-2805	Columbia Gas Transmission Corp.	Dannon Co	03-10-92	G-S	250	Y	I	03-01-92	Indef.
ST92-2806	Northern Natural Gas Co.	Adobe Gas Marketing Co.	03-11-92	G-S	100,000	N	F/I	07-07-92	02-06-97.
ST92-2807	Northwest Pipeline Corp.	Gas Co of New Mexico	03-11-92	B	2,000	N	I	02-14-92	Indef.
ST92-2808	Algonquin Gas Transmission Co.	Aquila Energy Marketing Corp.	03-11-92	G-S	1,950,000	N	I	01-15-92	Indef.
ST92-2809	Algonquin Gas Transmission Co.	O & R Energy, Inc	03-11-92	G-S	100,000	N	I	11-16-91	Indef.
ST92-2810	Algonquin Gas Transmission Co.	O & R Energy, Inc	03-11-92	G-S	100,000	N	I	12-21-91	Indef.
ST92-2811	Algonquin Gas Transmission Co.	O & R Energy, Inc	03-11-92	G-S	100,000	N	I	01-15-92	Indef.
ST92-2812	Algonquin Gas Transmission Co.	Gasmark, Inc	03-11-92	G-S	100,000	N	I	02-01-92	Indef.
ST92-2813	Algonquin Gas Transmission Co.	Phoenix Diversified Ventures, Inc.	03-11-92	G-S	100,000	N	I	02-01-92	Indef.
ST92-2814	Algonquin Gas Transmission Co.	Texas Ohio Gas, Inc	03-11-92	G-S	120,000	N	I	02-04-92	Indef.
ST92-2815	Algonquin Gas Transmission Co.	New England Power Co	03-11-92	G-S	20,200,000	N	I	01-30-92	Indef.
ST92-2816	Algonquin Gas Transmission Co.	Distrigas of Massachusetts Corp.	03-11-92	G-S	3,400,000	N	I	01-30-92	Indef.
ST92-2817	Algonquin Gas Transmission Co.	O & R Energy, Inc	03-11-92	G-S	100,000	N	I	08-08-92	Indef.
ST92-2818	Algonquin Gas Transmission Co.	Tennegasco Corp	03-11-92	G-S	960,000	N	I	02-01-92	Indef.
ST92-2819	Algonquin Gas Transmission Co.	Hadson Gas Systems, Inc.	03-11-92	G-S	225,000	N	I	02-14-92	Indef.
ST92-2820	Algonquin Gas Transmission Co.	Trinity Pipeline, Inc	03-11-92	G-S	1,220,000	N	I	01-30-92	Indef.
ST92-2821	Algonquin Gas Transmission Co.	Distrigas of Massachusetts Corp.	03-11-92	G-S	10,200,000	N	I	01-28-91	Indef.
ST92-2822	Algonquin Gas Transmission Co.	Northeast Energy Associates.	03-11-92	G-S	1,600,000	N	I	02-06-92	Indef.
ST92-2823	Algonquin Gas Transmission Co.	O & R Energy, Inc	03-11-92	G-S	300,000	N	I	02-12-92	Indef.
ST92-2824	Algonquin Gas Transmission Co.	O & R Energy, Inc	03-11-92	G-S	300,000	N	I	02-08-92	Indef.
ST92-2825	Algonquin Gas Transmission Co.	Entrade Corp	03-11-92	G-S	200,000	N	I	01-24-92	Indef.
ST92-2826	El Paso Natural Gas Co.	Union Oil Co. of California.	03-11-92	G-S	4,120	N	I	10-01-90	Indef.
ST92-2827	Williston Basin Inter. P/L Co.	Texaco Gas Marketing, Inc.	03-11-92	G-S	57,100	Y	I	02-12-92	09-30-92.
ST92-2828	Transcontinental Gas P/L Corp.	Baltimore Gas & Elect. Co.	03-12-92	B	750,000	N	I	08-01-91	Indef.
ST92-2829	Transcontinental Gas P/L Corp.	Conoco, Inc	03-12-92	B	15,000	N	I	08-15-90	Indef.
ST92-2830	Transcontinental Gas P/L Corp.	Stellar Gas Co	03-12-92	B	100,000	N	I	02-15-92	Indef.

Docket No.[1]	Transporter/seller	Recipient	Date filed	Part 284 subpart	Est. max. daily quantity [2]	Aff. Y/A/N [3]	Rate schedule	Date commenced	Projected termination date
ST92-2831	Transcontinental Gas P/L Corp.	O & R Energy, Inc	03-12-92	B	500,000	N	I	02-14-92	Indef.
ST92-2832	Transcontinental Gas P/L Corp.	Conoco, Inc	03-12-92	B	17,000	N	I	08-06-90	Indef.
ST92-2833	Transcontinental Gas P/L Corp.	Frederick Gas Co., Inc	03-12-92	B	30,000	N	I	04-01-90	Indef.
ST92-2834	Transcontinental Gas P/L Corp.	End-Users Supply System.	03-12-92	B	329,700	N	I	08-16-90	Indef.
ST92-2835	Transcontinental Gas P/L Corp.	Industrial Energy Services Co.	03-12-92	B	180,000	N	I	03-06-90	Indef.
ST92-2836	Algonquin Gas Transmission Co.	Distrigas of Massachusetts Corp.	03-12-92	B	25,000	N	I	12-02-91	03-01-92.
ST92-2837	Algonquin Gas Transmission Co.	Central Hudson Gas & Electric Corp.	03-12-92	B	2,000	N	I	12-05-91	Indef.
ST92-2838	Algonquin Gas Transmission Co.	Distrigas of Massachusetts Corp.	03-12-92	B	87,412	N	I	02-04-92	Indef.
ST92-2839	ONG Transmission Co	Williams Natural Gas Co.	03-12-92	C	50,000	N	I	03-01-92	Indef.
ST92-2840	ONG Transmission Co	Williams Natural Gas Co.	03-12-92	C	50,000	N	I	03-01-92	Indef.
ST92-2841	ONG Transmission Co	Phillips Gas Pipeline Co	03-12-92	C	20,000	N	I	11-02-91	Indef.
ST92-2842	ONG Transmission Co	Ozark Pipeline Co	03-12-92	C	20,000	N	I	02-19-92	Indef.
ST92-2843	Trunkline Gas Co	Coastal Gas Marketing Co.	03-12-92	G-S	100,000	N	I	02-22-92	Indef.
ST92-2844	Trunkline Gas Co	MG Natural Gas Corp	03-12-92	G-S	25,000	N	I	02-22-92	Indef.
ST92-2845	United Gas Pipe Line Co.	Canadian Occidental of Calif., Inc.	03-12-92	G-S	524,000	N	I	02-27-92	06-26-92.
ST92-2846	United Gas Pipe Line Co.	MG Natural Gas Corp	03-12-92	G-S	41,920	N	I	03-01-92	06-29-92.
ST92-2847	United Gas Pipe Line Co.	Joseph Energy, Inc	03-12-92	G-S	3,144	N	I	02-27-92	06-26-92.
ST92-2848	United Gas Pipe Line Co.	FINA Natural Gas Co	03-12-92	G-S	165,000	N	I	02-01-92	05-31-92.
ST92-2849	United Gas Pipe Line Co.	Enermax, Div. Nukem, Inc.	03-12-92	G-S	104,800	N	I	03-03-92	07-01-92.
ST92-2850	Northwest Pipeline Corp.	Northwest Natural Gas Co.	03-12-92	G-S	9,400	N	I	02-06-92	Indef.
ST92-2851	Texas Eastern Transmission Corp.	Peoples Gas and Power Co.	03-13-92	B	60,000	N	I	02-02-92	Indef.
ST92-2852	Trunkline Gas Co	Nerco Oil & Gas, Inc	03-13-92	G-S	10,000	N	I	02-14-92	Indef.
ST92-2853	El Paso Natural Gas Co.	Southern California Edison Co.	03-13-92	G-S	206,000	A	F	03-01-92	Indef.
ST92-2854	El Paso Natural Gas Co.	Meridian Oil Marketing Inc.	03-13-92	G-S	85,490	A	F	03-01-92	Indef.
ST92-2855	El Paso Natural Gas Co.	San Diego Gas & Elec. Co.	03-13-92	G-S	10,300	A	F	03-01-92	Indef.
ST92-2856	El Paso Natural Gas Co.	U.S. Borax & Chemical Corp.	03-13-92	G-S	25,750	A	I	03-01-92	Indef.
ST92-2857	El Paso Natural Gas Co.	Mission Energy Fuel Co	03-13-92	G-S	7,210	A	F	03-02-92	Indef.
ST92-2858	Tennessee Gas Pipeline Co.	Consolidated Fuel Gas Supply, Inc.	03-13-92	G-S	100,000	N	I	02-14-92	Indef.
ST92-2859	Kern River Gas Transmission Co.	San Diego Gas & Electric Co.	03-13-92	G-S	300,000	N	I	02-15-92	Indef.
ST92-2860	Kern River Gas Transmission Co.	Williams Gas Marketing Co.	03-13-92	G-S	50,000	A	I	02-15-92	Indef.
ST92-2861	Kern River Gas Transmission Co.	Canadian Hydrocarbons Marketing.	03-13-92	G-S	25,000	N	I	02-15-92	Indef.
ST92-2862	Kern River Gas Transmission Co.	Washington Energy Exploration, Inc.	03-13-92	G-S	100,000	N	I	02-15-92	Indef.
ST92-2863	Kern River Gas Transmission Co.	Mock Resources, Inc	03-13-92	G-S	90,000	N	I	02-15-92	Indef.
ST92-2864	Kern River Gas Transmission Co.	Enron Gas Marketing, Inc.	03-13-92	G-S	200,000	N	I	02-15-92	Indef.
ST92-2865	Kern River Gas Transmission Co.	Amoco Energy Trading Corp.	03-13-92	G-S	150,000	N	I	02-15-92	Indef.
ST92-2866	Kern River Gas Transmission Co.	Williams Power Co	03-13-92	G-S	50,000	Y	I	02-15-92	Indef.
ST92-2867	Kern River Gas Transmission Co.	Western Gas Resources, Inc.	03-13-92	G-S	100,000	N	I	02-15-92	Indef.
ST92-2868	Kern River Gas Transmission Co.	Union Pacific Fuels, Inc	03-13-92	G-S	150,000	N	I	02-15-92	02-01-07.
ST92-2869	Kern River Gas Transmission Co.	Shell Oil Co	03-13-92	G-S	100,000	N	I	02-25-92	02-01-07.
ST92-2870	Kern River Gas Transmission Co.	Southern California Edison Co.	03-13-92	G-S	300,000	N	I	02-15-92	02-01-07.
ST92-2871	Kern River Gas Transmission Co.	Mobil Natural Gas, Inc	03-13-92	G-S	100,000	N	I	02-24-92	Indef.
ST92-2872	Kern River Gas Transmission Co.	Kimball Energy Corp	03-13-92	G-S	20,000	N	I	02-19-92	Indef.

Docket No.[1]	Transporter/seller	Recipient	Date filed	Part 284 subpart	Est. max. daily quantity [2]	Aff. Y/A/N [3]	Rate schedule	Date commenced	Projected termination date
ST92-2877	Northern Natural Gas Co.	Western Gas Resources, Inc.	03-13-92	G-S	50,000	N	F/I	02-16-92	Indef.
ST92-2878	Northern Natural Gas Co.	Continental Natural Gas, Inc.	03-13-92	G-S	75,000	N	F/I	02-14-92	Indef.
ST92-2879	Questar Pipeline Co	Amoco Production Co	03-13-92	G-S	125,000	N	I	02-15-92	Indef.
ST92-2880	Questar Pipeline Co	Western Natural Gas and Trans. Corp.	03-13-92	G-S	3,500	N	I	03-01-92	10-31-92.
ST92-2881	Valero Transmission, L.P.	Tennessee Gas Pipeline Co.	03-13-92	C	12,500	N	I	03-12-92	Indef.
ST92-2882	Lone Star Gas Co	Transwestern Pipeline Co.	03-13-92	C	25,000	N	I	03-02-92	Indef.
ST92-2883	Columbia gas Transmission Corp.	Penn Virginia Resources Mark. Corp.	03-13-92	G-S	8,002	N	I	03-10-92	Indef.
ST92-2884	Northern Natural Gas Co.	Peoples Natural Gas Co	03-16-92	B	140,285	N	F	03-01-92	Indef.
ST92-2885	Colorado Interstate Gas Co.	Fuel Resources Development Co.	03-16-92	G-S	4,500	N	I	12-07-91	Indef.
ST92-2886	Colorado Interstate Gas Co.	Universal Resources Corp.	03-16-92	G-S	40,000	N	I	12-01-91	Indef.
ST92-2887	Colorado Interstate Gas Co.	Western Natural Gas and Trans. Corp.	03-16-92	G-S	5,000	N	I	12-06-91	Indef.
ST92-2888	Colorado Interstate Gas Co.	Louis Dreyfus Energy Corp.	03-16-92	G-S	15,000	N	I	12-01-91	Indef.
ST92-2889	Colorado Interstate Gas Co.	Coastal Gas Marketing Co.	03-16-92	G-S	6,500	A	I	11-01-91	05-01-92.
ST92-2890	Texas Eastern Transmission Corp.	Philadelphia Electric Co	03-16-92	B	20,000	N	I	02-01-92	Indef.
ST92-2891	South Georgia Natural Gas Co.	City of Camilla	03-16-92	G-S	941	N	I	03-01-92	12-31-05.
ST92-2892	South Georgia Natural Gas Co.	City of Blakely	03-16-92	G-S	700	N	I	03-01-92	12-31-05.
ST92-2893	South Georgia Natural Gas Co.	City of Adel	03-16-92	G-S	970	N	I	03-01-92	12-31-05.
ST92-2894	Jackson Pipeline Co	Central Illinois Public Service Co.	03-16-92	G-HT	9,950	N	I	11-01-91	03-31-92.
ST92-2895	Natural Gas P/L Co. of America.	Amoco Gas Co.	03-16-92	B	350,000	N	I	03-01-92	Indef.
ST92-2896	Natural Gas P/L Co. of America.	Tenngasco Marketing Corp.	03-16-92	G-S	50,000	N	I	03-01-92	Indef.
ST92-2897	Natural Gas P/L Co. of America.	Enron Gas marketing, Inc.	03-16-92	G-S	200,000	N	I	03-01-92	Indef.
ST92-2898	Westar Transmission Co.	Williams Gas Marketing, Inc.	03-16-92	C	100,000	A	I	01-01-92	Indef.
ST92-2899	Westar Transmission Co.	El Paso Natural Gas Co	03-16-92	C	100,000	A	I	01-01-92	Indef.
ST92-2900	Natural Gas P/L Co. of America.	Peoples Gas & Coke Co.	03-16-92	G-S	10,000	N	F	02-01-92	02-29-96.
ST92-2901	Columbia Gulf Transmission Co.	North Atlantic Utilities, Inc.	03-16-92	G-S	20,000	N	I	02-21-92	Indef.
ST92-2902	Columbia Gulf Transmission Co.	Vesta Energy Co	03-16-92	G-S	20,000	N	I	03-10-92	Indef.
ST92-2903	Columbia Gulf Transmission Co.	Enmark Gas Corp	03-16-92	G-S	50,000	N	I	02-22-92	Indef.
ST92-2904	Columbia Gulf Transmission Co.	Hanna Oil and Gas	03-16-92	G-S	10,000	N	I	02-27-92	Indef.
ST92-2905	Columbia Gulf Transmission Co.	Energy Marketing Exchange, Inc.	03-16-92	G-S	60,000	N	I	03-02-92	Indef.
ST92-2906	Southern Natural Gas Co.	Diamond Shamrock Offshore Part. Ltd.	03-16-92	G-S	60,000	N	I	03-01-92	Indef.
ST92-2907	Southern Natural Gas Co.	Southeast Alabama Gas District.	03-16-92	G-S	2,000	N	I	03-01-92	03-01-93.
ST92-2908	Southern Natural Gas Co.	CNG Trading Co	03-16-92	G-S	75,000	N	I	03-01-92	Indef.
ST92-2909	Texas Gas Transmission Corp.	Louis Dreyfus Energy Corp.	03-16-92	G-S	100,000	N	I	03-01-92	Indef.
ST92-2910	Texas Gas Transmission Corp.	Unigas Energy, Inc	03-16-92	G-S	100,000	N	I	03-03-92	Indef.
ST92-2911	Texas Gas Transmission Corp.	CMS Gas Marketing	03-16-92	G-S	100,000	N	I	03-01-92	Indef.
ST92-2912	Texas Gas Transmission Corp.	ISP Chemicals Inc	03-16-92	G-S	6,000	N	I	03-01-92	Indef.
ST92-2913	Transcontinental Gas P/L Corp.	Public Service Electric & Gas Co.	03-16-92	B	11,015	N	I	02-24-92	Indef.
ST92-2914	Transcontinental Gas P/L Corp.	Alabama Corp., et al	03-16-92	B	425,000	A	I	02-21-92	Indef.
ST92-2915	South Georgia Natural Gas Co.	City of Sylvester	03-16-92	G-S	758	N	I	03-01-92	12-31-05.
ST92-2916	South Georgia Natural Gas Co.	City of Vienna	03-16-92	G-S	608	N	I	03-01-92	12-31-05.

Docket No.[1]	Transporter/seller	Recipient	Date filed	Part 284 subpart	Est. max. daily quantity [2]	Aff. Y/A/N [3]	Rate schedule	Date commenced	Projected termination date
ST92-2917	South Georgia Natural Gas Co.	City of Meigs	03-16-92	G-S	180	N	I	03-01-92	12-31-05.
ST92-2918	South Georgia Natural Gas Co.	City of Lumpkin	03-16-92	G-S	314	N	I	03-01-92	12-31-05.
ST92-2919	South Georgia Natural Gas Co.	City of Doerun	03-16-92	G-S	250	N	I	03-01-92	12-31-05.
ST92-2920	South Georgia Natural Gas Co.	City of Donaldsonville	03-16-92	G-S	250	N	I	03-01-92	12-31-05.
ST92-2921	South Georgia Natural Gas Co.	City of Jasper	03-16-92	G-S	530	N	I	03-01-92	12-31-05.
ST92-2922	South Georgia Natural Gas Co.	City of Edison	03-16-92	G-S	250	N	I	03-01-92	12-31-05.
ST92-2923	South Georgia Natural Gas Co.	City of Havana	03-16-92	G-S	700	N	I	03-31-92	12-31-05.
ST92-2924	South Georgia Natural Gas Co.	City of Ashburn	03-16-92	G-S	750	N	I	03-01-92	12-31-05
ST92-2925	Northwest Pipeline Corp.	Union Pacific Fuels, Inc.	03-16-92	G-S	20,000	N	I	03-01-92	Indef.
ST92-2926	Northwest Pipeline Corp.	Coastal Gas Marketing Co.	03-16-92	G-S	150,000	N	I	02-09-92	Indef.
ST92-2927	LLANO, Inc	Natural Gas P/L Co. of America.	03-17-92	C	10,000	N	I	03-01-92	Indef.
ST92-2928	ANR Pipeline Co	Mobil Natural Gas Inc.	03-17-92	G-S	20,000	N	I	02-25-92	Indef.
ST92-2929	ANR Pipeline Co	Iowa Southern Utilities Co.	03-17-92	B	4,000	N	I	02-27-92	Indef.
ST92-2930	ANR Pipeline Co	Northern Illinois Gas	03-17-92	B	50,000	N	I	02-22-92	Indef.
ST92-2931	ANR Pipeline Co	Ledco Inc	03-17-92	G-S	80,000	N	I	02-22-92	Indef.
ST92-2932	ANR Pipeline Co	CMS Gas Marketing	03-17-92	G-S	25,000	N	I	02-19-92	Indef.
ST92-2933	Northern Natural Gas Co.	Southern Union Gas Co.	03-17-92	B	5,000	N	F/I	02-01-92	Indef.
ST92-2934	Florida Gas Transmission Co.	Coastal Gas Marketing Co.	03-17-92	G-S	5,000	N	I	02-24-92	Indef.
ST92-2935	South Georgia Natural Gas Co.	Atlanta Gas Light Co	03-17-92	B	N	I	11,877	03-01-92	04-30-07
ST92-2936	Transcontinental Gas P/L Corp.	Elizabethtown Gas Co., et al.	03-17-92	B	100,000	N	I	12-20-91	Indef.
ST92-2937	Black Marlin Pipeline Co.	Amoco Gas Co	03-18-92	B	150,000	A	I	03-01-92	Indef.
ST92-2938	Black Marlin Pipeline Co.	Houston Pipeline Co	03-18-92	B	75,000	A	I	03-03-92	Indef.
ST92-2939	Florida Gas Transmission Co.	Bishop Pipeline Corp	03-18-92	G-S	60,000	N	I	03-01-92	Indef.
ST92-2940	Florida Gas Transmission Co.	Citrus World, Inc	03-18-92	G-S	10,000	N	I	03-02-92	Indef.
ST92-2941	Transcontinental Gas P/L Corp.	Virginia Natural Gas, Inc.	03-18-92	B	660,000	A	I	02-20-92	Indef.
ST92-2942	Transcontinental Gas P/L Corp.	CMS Gas Marketing Co.	03-18-92	G-S	3,040,000	N	I	02-29-92	Indef.
ST92-2943	Transwestern Pipeline Co.	Signal Fuels Trading Co., Inc.	03-18-92	G-S	5,000	N	I	03-01-92	Indef.
ST92-2944	Transwestern Pipeline Co.	Conoco, Inc	03-18-92	G-S	50,000	N	I	03-01-92	Indef.
ST92-2945	Transwestern Pipeline Co.	Enron Gas Marketing, Inc.	03-18-92	G-S	200,000	A	I	02-28-92	Indef.
ST92-2946	Transwestern Pipeline Co.	Sunrise Energy Co	03-18-92	G-S	50,000	N	I	03-01-92	Indef.
ST92-2947	Northern Natural Gas Co.	MG Natural Gas Corp	03-18-92	G-S	100,000	N	I	02-21-92	Indef.
ST92-2948	Northern Natural Gas Co.	Tenngasco Corp	03-18-92	G-S	300,000	N	I	02-19-92	Indef.
ST92-2949	Colorado Interstate Gas Co.	Presido Gas Resources, Inc.	03-18-92	G-S	50,000	N	I	12-05-91	Indef.
ST92-2950	Colorado Interstate Gas Co.	Western Gas Resources, Ic.	03-18-92	G-S	1,000	N	I	12-26-91	Indef.
ST92-2951	Kern River Gas Transmission Co.	Bridgegas U.S.A., Inc	03-18-92	G-S	158,000	N	I	02-27-92	Indef.
ST92-2952	Kern River Gas Transmission Co.	Midcon Marketing Corp	03-18-92	G-S	700,000	N	I	02-22-92	Indef.
ST92-2953	Kern River Gas Transmission Co.	NGC Transportation	03-18-92	G-S	300,000	N	I	02-23-92	Indef.
ST92-2954	Kern River Gas Transmission Co.	Golden Gas Energies, Inc.	03-18-92	G-S	10,000	N	I	02-20-92	Indef.
ST92-2955	Kern River Gas Transmission Co.	Universal Resources Corp.	03-18-92	G-S	350,000	N	I	02-27-92	Indef.
ST92-2956	Kern River Gas Transmission Co.	Chevron U.S.A. Inc	03-18-92	G-S	60,000	N	I	02-24-92	Indef.
ST92-2957	Midwestern Gas Transmission Co.	Texas Ohio Gas, Inc	03-18-92	G-S	20,000	N	I	03-06-92	Indef.
ST92-2958	Tennessee Gas Pipeline Co.	Access Energy Corp	03-18-92	G-S	30,000	N	I	02-19-92	Indef.

Docket No.[1]	Transporter/seller	Recipient	Date filed	Part 284 subpart	Est. max. daily quantity [2]	Aff. Y/A/N [3]	Rate schedule	Date commenced	Projected termination date
ST92-2959	Tennessee Gas Pipeline Co.	Texaco Gas Marketing, Inc.	03-18-92	G-S	102,800	N	I	02-01-92	Indef.
ST92-2960	Questar Pipeline Co	Colorado Interstate Gas Co.	03-18-92	G	148,000	N	I	03-01-92	Indef.
ST92-2961	Questar Pipeline Co	Texaco Gas Marketing, Inc.	03-18-92	G-S	50,000	N	I	03-01-92	Indef.
ST92-2962	Questar Pipeline Co	Kern River Gas Transmission Co.	03-18-92	G	5,000	N	I	03-01-92	02-28-93
ST92-2963	United Gas Pipe Line Co.	MG Natural Gas Corp	03-19-92	G-S	41,920	N	I	03-12-92	07-10-92
ST92-2964	United Gas Pipe Line Co.	Fina Natural Gas Co	03-19-92	G-S	26,200	N	I	03-06-92	07-04-92
ST92-2965	United Gas Pipe Line Co.	BG Exploration America, Inc.	03-19-92	G-S	52,400	N	I	03-06-92	07/04/92
ST92-2966	Kern River Gas Transmission Co.	Shell Western E&P Inc	03-19-92	G-S	200,000	N	I	02-21-92	Indef.
ST92-2967	Kern River Gas Transmission Co.	Western Gas Marketing Inc.	03-19-92	G-S	100,000	N	I	02-18-92	Indef
ST92-2968	Channel Industries Gas Co.	Texas Eastern Transmission Corp.	03-19-92	C	300,000	A	I	02-06-92	Indef
ST92-2969	Channel Industries Gas Co.	United Gas Pipe Line Co.	03-19-92	C	300,000	A	I	02-04-92	Indef.
ST92-2970	Tennessee Gas Pipeline Co.	Tenngasco Exchange Corp.	03-19-92	G-S	1,000,000	A	I	02-19-92	Indef.
ST92-2971	Tennessee Gas Pipeline Co.	Chevron U.S.A.	03-19-92	G-S	1,000,000	A	I	02-19-92	Indef.
ST92-2972	Trunkline Gas Co	Philbro Distributors Corp.	03-19-92	G-S	100,000	N	I	03-01-92	Indef.
ST92-2973	Trunkline Gas Co	Gasmark, LTD	03-19-92	G-S	50,000	N	I	03-01-92	Indef.
ST92-2974	Trunkline Gas Co.	Coastal Gas Marketing Co.	03-19-92	G-S	100,000	N	I	03-01-92	Indef.
ST92-2975	Trunkline Gas Co.	Ultramar Oil and Gas Ltd.	03-19-92	G-S	500	N	I	03-01-92	Indef.
ST92-2976	Trunkline Gas Co.	Citrus Marketing, Inc	03-19-92	G-S	100,000	N	I	03-01-92	Indef.
ST92-2977	Trunkline Gas Co.	CNG Transmission Corp	03-19-92	G	270,000	N	I	03-01-92	Indef.
ST92-2978	Trunkline Gas Co.	Enermax, Div. Nukem, Inc.	03-19-92	G-S	3,000	N	I	03-01-92	Indef.
ST92-2979	Trunkline Gas Co.	Phibro Distributors Corp	03-19-92	G-S	100,000	N	I	03-01-92	Indef.
ST92-2980	CNG Transmission Corp	Midcon Marketing	03-19-92	G-S	100,000	N	I	03-01-92	Indef.
ST92-2981	CNG Transmission Corp	Chevron USA, Inc	03-19-92	G-S	200,000	N	I	03-05-92	Indef.
ST92-2982	CNG Transmission Corp	Energy Marketing Exchange.	03-19-92	G-S	5,000	N	I	02-21-92	Indef.
ST92-2983	CNG Transmission Corp	Chevron USA, Inc	03-19-92	G-S	200,000	N	I	03-04-92	Indef.
ST92-2984	CNG Transmission Corp	New Jersey Natural Gas Co.	03-19-92	G-S	40,000	N	I	03-01-92	Indef.
ST92-2985	Northern Natural Gas Co.	PG & E Resources Co	03-19-92	G-S	88,457	N	F/I	03-02-92	Indef.
ST92-2986	Northern Natural Gas Co.	American Central Gas Companies, Inc.	03-19-92	G-S	50,000	N	F/I	02-26-92	Indef.
ST92-2987	Northern Natural Gas Co.	Arco Natural Gas Marketing, Inc.	03-19-92	G-S	7,400	N	I	03-01-92	Indef.
ST92-2988	Transwestern Pipeline Co.	Vintage Gas, Inc	03-19-92	G-S	20,000	N	I	03-01-92	Indef.
ST92-2989	Transwestern Pipeline Co.	Mitchell Marketing Co	03-19-92	G-S	50,000	N	I	02-27-92	Indef.
ST92-2990	Transwestern Pipeline Co.	Robert L. Bayless	03-19-92	G-S	3,000	N	I	03-01-92	Indef.
ST92-2991	Transwestern Pipeline Co.	Robert L. Bayless	03-19-92	G-S	3,000	N	I	03-01-92	Indef.
ST92-2992	Transwestern Pipeline Co.	Sunrise Energy Co	03-19-92	G-S	50,000	N	I	03-01-92	Indef.
ST92-2993	Transwestern Pipeline Co.	Conoco, Inc	03-19-92	G-S	10,000	N	I	03-01-92	Indef.
ST92-2994	Transwestern Pipeline Co.	Signal Fuels Trading Co	03-19-92	G-S	5,000	N	I	03-01-92	Indef.
ST92-2995	Florida Gas Transmission Co.	Citrus Marketing, Inc	03-19-92	G-S	50,000	A	I	03-01-92	Indef.
ST92-2996	Florida Gas Transmission Co.	Exxon Corp	03-19-92	G-S	1,000	N	I	03-01-92	Indef.
ST92-2997	Pacific Gas Transmission Co.	Western Gas Marketing USA, Ltd.	03-19-92	G-S	203,000	N	I	02-07-91	Indef.
ST92-2998	Pacific Gas Transmission Co.	Western Gas Marketing USA, Ltd.	03-19-92	G-S	203,000	N	I	11-15-89	09-20-90.
ST92-2999	Pacific Gas Transmission Co.	Louis Dreyfus Energy Corp.	03-19-92	G-S	100,000	N	I	11-13-91	Indef.
ST92-3000	Gulf Energy Pipeline Co	Tennessee Gas Pipeline Co.	03-20-92	C	5,000	N	I	02-01-92	02-01-94.
ST92-3001	Colorado Interstate Gas Co.	Amoco Energy Trading Corp.	03-20-92	G-S	50,000	N	I	10-01-91	Indef.

Docket No.[1]	Transporter/seller	Recipient	Date filed	Part 284 subpart	Est. max. daily quantity [2]	Aff. Y/A/N [3]	Rate schedule	Date commenced	Projected termination date
ST92-3002	Colorado Interstate Gas Co.	Oxy USA, Inc	03-20-92	G-S	30,000	N	I	10-01-91	Indef.
ST92-3003	Panhandle Eastern Pipe Line Co.	Marathon Oil Co	03-20-92	G-S	30,000	N	I	02-28-92	Indef.
ST92-3004	Panhandle Eastern Pipe Line Co.	KN Gas Marketing, Inc	03-20-92	G-S	250,000	N	I	02-26-92	Indef.
ST92-3005	Panhandle Eastern Pipe Line Co.	Anadarko Trading Co	03-20-92	G-S	100,000	N	I	02-21-92	Indef.
ST92-3006	Panhandle Eastern Pipe Line Co.	Panhandle Trading Co	03-20-92	G-S	10,000	N	I	02-28-92	Indef.
ST92-3007	Questar Pipeline Co	Universal Resources Corp.	03-20-92	G-S	5,000	N	I	03-01-92	12-01-95.
ST92-3008	Questar Pipeline Co	Union Pacific Fuels, Inc	03-20-92	G-S	90,000	N	I	03-01-92	Indef.
ST92-3009	Northwest Pipeline Co	Washington Natural GS Co.	03-20-92	G-S	5,000	N	F	03-01-92	Indef.
ST92-3010	Transcontinental Gas P/L Corp.	Amerada Hess Corp	03-20-92	G-S	750,000	N	I	02-20-92	Indef.
ST92-3011	Houston Pipe Line Co	Northern Natural Gas Co.	03-20-92	G-ST	30,000	N	N/A	12-01-91	03-31-92.
ST92-3012	Houston Pipe Line Co	United Gas Pipe Line Co.	03-20-92	G-ST	30,000	N	N/A	12-13-91	03-31-92.
ST92-3013	Houston Pipe Line Co	United Gas Pipe Line Co.	03-20-92	G-ST	50,000	N	N/A	11-23-91	Indef.
ST92-3014	Houston Pipe Line Co	Texas Eastern Transmission Corp.	03-20-92	G-ST	100,000	N	N/A	11-09-91	Indef.
ST92-3015	Houston Pipe Line Co	Sabine Pipeline Co	03-20-92	G-ST	50,000	N	N/A	11-01-91	Indef.
ST92-3016	Houston Pipe Line Co	Texas Eastern Transmission Corp.	03-20-92	G-ST	13,000	N	N/A	12-20-91	Indef.
ST92-3017	Houston Pipe Line Co	Natural Gas P/L Co. of America.	03-20-92	G-ST	15,000	N	N/A	12-01-91	03-31-92.
ST92-3018	Houston Pipe Line Co	Texas Eastern Transmission Corp.	03-20-92	G-ST	15,000	N	N/A	12-21-91	03-31-92.
ST92-3019	Houston Pipe Line Co	Texas Eastern Transmission Corp.	03-20-92	G-ST	17,000	N	N/A	01-07-92	03-31-92.
ST92-3020	Houston Pipe Line Co	Florida Gas Transmission Co.	03-20-92	G-ST	17,000	N	N/A	11-09-91	03-31-92.
ST92-3021	Houston Pipe Line Co	Natural Gas P/L Co. of America.	03-20-92	G-ST	20,000	N	N/A	11-03-91	07-31-92.
ST92-3022	Houston Pipe Line Co	Natural Gas P/L Co. of America.	03-20-92	G-ST	17,000	N	N/A	11-03-91	03-31-93.
ST92-3023	Houston Pipe Line Co	Northern Natural Gas Co.	03-20-92	G-ST	65,000	N	N/A	12-01-91	Indef.
ST92-3024	Houston Pipe Line Co	Texas Eastern Transmission Corp.	03-20-92	G-ST	100,000	N	N/A	09-06-91	Indef.
ST92-3025	Houston Pipe Line Co	United Gas Pipe Line Co.	03-20-92	G-ST	60,000	N	N/A	12-15-91	Indef.
ST92-3026	Houston Pipe Line Co	Transcontinental Gas P/L Corp.	03-20-92	G-ST	50,000	N	N/A	11-21-91	Indef.
ST92-3027	Houston Pipe Line Co	Sabine Pipeline Co	03-20-92	G-ST	100,000	N	N/A	12-21-91	Indef.
ST92-3028	Houston Pipe Line Co	Northern Natural Gas Co.	03-20-92	G-ST	25,000	N	N/A	12-01-91	Indef.
ST92-3029	Houston Pipe Line Co	Northern Natural Gas Co.	03-20-92	G-ST	10,000	N	N/A	12-01-91	03-31-93.
ST92-3030	Northern Natural Gas Co.	Utrade Gas Co	03-20-92	G-ST	30,000	N	N/A	03-01-92	Indef.
ST92-3031	Northern Natural Gas Co.	MG Natural Gas Corp	03-20-92	G-S	100,000	N	F/I	03-01-92	Indef.
ST92-3032	Northern Natural Gas Co.	Anadarko Trading Co	03-20-92	G-S	20,000	N	F	03-01-92	Indef.
ST92-3033	Northern Natural Gas Co.	Oryx Gas Marketing L.P.	03-20-92	G-S	16,000	N	F	03-01-92	Indef.
ST92-3034	K N Energy, Inc	NGC Transportation, Inc.	03-20-92	G-S	3,500	N	F/I	02-01-92	03-01-92.
ST92-3035	K N Energy, Inc	Chevron U.S.A Production Co.	03-20-92	G-S	10,225	N	F	03-01-92	03-01-93.
ST92-3036	K N Energy, Inc	North Canadian Marketing Corp.	03-20-92	G-S	50,000	N	I	02-24-92	Indef.
ST92-3037	East Tennessee Natural Gas Co.	Appalachian Gas Sales Inc.	03-23-92	G-S	30,000	N	I	03-04-92	Indef.
ST92-3038	Delhi Gas Pipeline Corp	Arkla Energy Resources	03-23-92	C	1,500	N	I	03-01-92	Indef.
ST92-3039	Equitrans, Inc	Equitable Gas Co	03-23-92	G-S	15,675	N	F	03-01-92	Indef.
ST92-3040	Northwest Pipeline Corp.	Sunrise Energy Co	03-23-92	G-S	42,000	N	F	01-31-92	Indef.
ST92-3041	Williams Natural Gas Co.	Midcoast Natural Gas, Inc.	03-23-92	B	4,000	N	I	02-22-92	Indef.
ST92-3042	Williams Natural Gas Co.	Delhi Gas Pipeline Corp	03-23-92	B	13,000	N	I	02-22-92	Indef.
ST92-3043	Natural Gas P/L Co. of America.	Western Gas Marketing USA, LTD.	03-23-92	G-S	150,000	N	I	03-01-92	Indef.
ST92-3044	Natural Gas P/L Co. of America.	Transco Energy Marketing Co.	03-23-92	G-S	30,000	N	I	03-01-92	Indef.

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ST92-3045	Natural Gas P/L Co. of America.	CNG Producing Co	03-23-92	G-S	20,000	N	I	02-21-92	Indef.
ST92-3046	Natural Gas P/L Co. of America.	Enserch Gas Co	03-23-92	G-S	200,000	N	I	02-16-92	Indef.
ST92-3047	Natural Gas P/L Co. of America.	Seagull Marketing Services, Inc.	03-23-92	G-S	50,000	N	I	02-17-92	Indef.
ST92-3048	Natural Gas P/L Co. of Ameria.	Transco Energy Marketing Co.	03-23-92	G-S	400,000	N	I	01-14-92	Indef.
ST92-3049	Natural Gas P/L Co. of America.	Colorado Interstate Gas Co.	03-23-92	G	10,000	N	I	02-24-92	Indef.
ST92-3050	Stingray Pipeline Co	Philbro Energy, Inc	03-23-92	K-S	50,000	N	I	03-15-92	Indef.
ST92-3051	Gas Co. of New Mexico	El Paso Natural Gas Co	03-23-92	G-HT	8,000	N	I	02-18-92	06-30-92.
ST92-3052	Transwestern Pipeline Co.	HPL Gas Co	03-23-92	G-S	200,000	Y	I	03-01-92	Indef.
ST92-3053	Transwestern Pipeline Co.	Bonneville Fuels Marketing Corp.	03-23-92	G-S	2,400	N	F	03-02-92	Indef.
ST92-3054	Transwestern Pipeline Co.	Southern California Gas Co.	03-23-92	B	200,000	N	F	03-02-92	Indef.
ST92-3055	Transwestern Pipeline Co.	Richardson Products Co.	03-23-92	G-S	80,000	N	I	03-03-92	Indef.
ST92-3056	Williston Basin Inter. P/L Co.	North Canadian Resources, Inc.	03-23-92	G-S	189,000	N	I	02-24-92	11-30-92.
ST92-3057	Tennessee Gas Pipeline Co.	NGC Transportation, Inc.	03-23-92	G-S	700,000	N	I	02-21-92	Indef.
ST92-3058	Tennessee Gas Pipeline Co.	Enermax, Div. of Nuken, Inc.	03-23-92	G-S	29,000	N	I	03-01-92	Indef.
ST92-3059	Tennessee Gas Pipeline Co.	East Ohio Gas Co	03-23-92	B	10,000	N	i	03-01-92	Indef.
ST92-3060	Columbia Gulf Transmission Co.	Energy Development Corp.	03-23-92	G-S	19,074	N	F	03-04-92	Indef.
ST92-3061	Columbia Gulf Transmission Co.	Koch Hydrocarbon Co	03-23-92	G-S	200,000	N	I	03-05-92	Indef.
ST92-3062	Williston Basin Inter. P/L Co.	Western Gas Resources, Inc.	03-24-92	G-S	142,000	A	I	02-25-92	05-23-93.
ST92-3063	Kern River Gas Transmission Co.	Pertro-Canada Hydrocarbons, Inc.	03-24-92	G-S	60,000	N	I	02-27-92	Indef.
ST92-3064	Tennessee Gas Pipeline Co.	Equitable Gas Co	03-24-92	B	50,000	N	I	02-28-92	Indef.
ST92-3065	Moraine Pipeline Co	Equitable Gas Co	03-24-92	B	50,000	Y	I	03-01-92	Indef.
ST92-3066	Natural Gas P/L Co. of America.	Nagasco Marketing, Inc	03-24-92	G-S	86,000	N	I	09-01-88	Indef.
ST92-3067	Algonquin Gas Transmission Co.	Texas-Ohio Gas, Inc	03-24-92	G-S	225,000	N	I	03-08-92	Indef.
ST92-3068	Algonquin Gas Transmission Co.	Coastal Gas Marketing Co.	03-24-92	G-S	8,101,370	N	I	03-01-92	Indef.
ST92-3069	Algonquin Gas Transmission Co.	O & R Energy, Inc	03-24-92	G-S	300,000	N	I	03-11-92	Indef.
ST92-3070	Algonquin Gas Transmission Co.	Tenngasco Corp	03-24-92	G-S	960,000	N	I	03-07-92	Indef.
ST92-3071	Algonquin Gas Transmission Co.	Distrigas of Massachusetts Corp.	03-24-92	B	87,412	N	I	03-01-92	04-01-92.
ST92-3072	Algonquin Gas Transmission Co.	Orange & Rockland Utilities, Inc.	03-24-92	G-S	1,500,000	N	I	03-04-92	Indef.
ST92-3073	Algonquin Gas Transmission Co.	Entrade Corp	03-24-92	G-S	1,000,000	N	I	03-01-92	Indef.
ST92-3074	Algonquin Gas Transmission Co.	O & R energy, Inc	03-24-92	G-S	300,000	N	I	03-01-92	Indef.
ST92-3075	Algonquin Gas Transmission Co.	O & R Energy, Inc	03-24-92	G-S	300,000	N	I	03-01-92	Indef.
ST92-3076	Algonquin Gas Transmission Co.	O & R Energy, Inc	03-24-92	G-S	300,000	N	I	03-01-92	Indef.
ST92-3077	Algonquin Gas Transmission Co.	Brooklyn Interstate Nat. Gas Corp.	03-24-92	G-S	900,000	N	I	03-01-92	Indef.
ST92-3078	Transcontinental Gas P/L Corp.	Mobile Natural Gas, Inc	03-24-92	B	370,000	N	I	02-24-92	Indef.
ST92-3079	Transcontinental Gas P/L Corp.	Texas Gas Marketing, Inc.	03-22-92	B	600,000	N	I	02-26-92	Indef.
ST92-3080	Panhandle Eastern Pipe Line Co.	CNG Transmission Corp	03-24-92	G	270,000	N	I	03-01-92	Indef.
ST92-3081	Panhandle Eastern Pipe Line Co.	Conoco, Inc	03-24-92	G-S	50,000	N	I	03-01-92	Indef.
ST92-3082	Panhandle Eastern Pipe Line Co.	Anadarko Trading Co	03-24-92	G-S	50,000	N	I	03-01-92	Indef.
ST92-3083	Trunkline Gas Co	Philbro Distributors Corp.	03-25-92	G-S	100,000	N	I	03-01-92	Indef.
ST92-3084	Trunkline Gas Co	Entrade Corp	03-25-92	G-S	50,000	N	I	03-01-92	Indef.
ST92-3085	Trunkline Gas Co	Eagle Natural Gas Co	03-25-92	G-S	40,000	N	I	03-01-92	Indef.
ST92-3086	Trunkline Gas Co	Equitable Resources Marketing Co.	03-25-92	G-S	50,000	N	I	03-01-92	Indef.
ST92-3087	Trunkline Gas Co	Gasmark, Ltd	03-25-92	G-S	25,000	N	I	03-10-92	Indef.

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ST92-3088	Trunkline Gas Co	Gasmark, Ltd	03-25-92	G-S	50,000	N	I	03-01-92	Indef.
ST92-3089	Valero Transmission, L.P.	Texas Gas Transmission Corp.	03-25-92	C	2,000	N	I	03-01-92	Indef.
ST92-3090	Valero Transmission, L.P.	Tennessee Gas Pipeline Co.	03-25-92	C	7,000	N	I	03-11-92	Indef.
ST92-3091	Transtexas Pipeline Co	Texas Gas Transmission Corp.	03-25-92	C	2,000	N	I	03-01-92	Indef.
ST92-3092	Pacific Gas Transmission Co.	NGC Transportation, Inc.	03-25-92	G-S	200,000	N	I	03-01-92	Indef.
ST92-3093	Questar Pipeline Co	Union Pacific Fuels, Inc	03-25-92	G-S	25,000	N	I	03-01-92	01-31-97.
ST92-3094	Questar Pipeline Co	Northwest Pipeline Corp	03-25-92	G	100,000	N	I	03-04-92	Indef.
ST92-3095	Transwestern Pipeline Co.	Aquila Energy Marketing Corp.	03-25-92	G-S	200,000	N	I	03-01-92	Indef.
ST92-3096	Transwestern Pipeline Co.	Bonneville Fuels Marketing Corp.	03-25-92	G-S	2,400	N	I	03-02-92	Indef.
ST92-3097	Transwestern Pipeline Co.	Aquila Energy Marketing Corp.	03-25-92	G-S	14,600	N	I	03-01-92	Indef.
ST92-3098	Northern Natural Gas Co.	Premier Gas Co	03-25-92	G-S	50,000	N	F/I	02-23-92	Indef.
ST92-3099	Northern Natural Gas Co.	NGC Transportion, Inc	03-25-92	G-S	500,000	N	F/I	02-20-92	Indef.
ST92-3100	Northern Natural Gas Co.	Southwestern Public Service Co.	03-25-92	G-S	11,400	N	F/I	02-20-92	Indef.
ST92-3101	Transcontinental Gas P/L Corp.	Access Energy Corp	03-25-92	G-S	30,000	N	I	03-01-92	Indef.
ST92-3102	Transcontinental Gas P/L Corp.	Elizabethtown Gas Co	03-25-92	B	10,000	N	I	03-02-92	Indef.
ST92-3103	High Island Offshore System.	Enmark Gas Corp	03-25-92	K-S	103,800	N	I	03-06-92	Indef.
ST92-3104	Colorado Interstate Gas Co.	Union Pacific Fuels, Inc	03-26-92	G-S	50,000	N	I	11-21-91	Indef.
ST92-3105	Colorado Interstate Gas Co.	Presidio Gas Resources, Inc.	03-26-92	G-S	50,000	N	I	11-01-91	Indef.
ST92-3106	Channel Industries Gas Co.	Boston Gas Co	03-26-92	C	55,000	N	I	03-01-92	Indef.
ST92-3107	Kern River Gas Transmission Co.	Amoco Energy Trading Corp.	03-26-92	G-S	50,000	N	I	03-01-92	Indef.
ST92-3108	Williston Basin Inter. P/L Co.	Hiland Partners	03-26-92	G-S	76,400	N	I	02-28-92	05-31-93.
ST92-3109	Panhandle Eastern P/L Co.	MG Natural Gas Corp	03-26-92	G-S	20,000	N	I	03-01-92	Indef.
ST92-3110	Panhandle Eastern P/L Co.	Maxus Gas Marketing Co.	03-26-92	G-S	100,000	N	I	03-01-92	Indef.
ST92-3111	Panhandle Eastern P/L Co.	Amgas, Inc	03-26-92	G-S	90	N	I	03-01-92	Indef.
ST92-3112	Louisiana Resources Co.	Eagle Natural Gas Co	03-26-92	C	50,000	N	I	03-25-92	Indef.
ST92-3113	El Paso Natural Gas Co	NGC Transportation, Inc.	03-25-92	G-S	400,000	A	I	03-08-92	Indef.
ST92-3114	El Paso Natural Gas Co	Citizens Utilities Co	03-27-92	G-S	15,450	A	I	03-12-92	Indef.
ST92-3115	United Gas Pipe Line Co.	Tejas Power Corp	03-27-92	G-S	52,400	N	I	03-16-92	07-14-92.
ST92-3116	United Gas Pipe Line Co.	Shell Gas Trading Co	03-27-92	G-S	13,624	N	I	03-16-92	07-14-92.
ST92-3117	United Gas Pipe Line Co.	Shell Gas Trading Co	03-27-92	G-S	10,480	N	I	03-16-92	07-14-92.
ST92-3118	United Gas Pipe Line Co.	Endevco Oil & Gas Co	03-27-92	G-S	26,200	N	I	03-16-92	07-14-92.
ST92-3119	United Gas Pipe Line Co.	Fina Natural Gas Co	03-27-92	G-S	104,800	N	I	03-19-92	07-17-92.
ST92-3121	Delhi Gas Pipeline Corp	Phillips Gas Pipeline Co	03-27-92	C	2,000	N	I	03-01-92	12-31-99.
ST92-3122	Delhi Gas Pipeline Corp	Phillips Gas Pipeline Co	03-27-92	C	2,000	N	I	03-01-92	Indef.
ST92-3123	Northwest Pipeline Corp	National Gas Resources L.P.	03-27-92	G-S	50,000	N	I	03-05-92	Indef.
ST92-3124	Transcontinental Gas P/L Corp.	Endevco Oil and Gas Co.	03-27-92	G-S	500,000	N	I	03-01-92	Indef.
ST92-3125	United Gas Pipe Line Co.	Laser Marketing Co	03-27-92	G-S	628,800	N	I	03-16-92	07-14-92.
ST92-3126	Equitrans, Inc	Eastern American Energy Corp.	03-30-92	G-S	2,518	N	I	03-01-92	Indef.
ST92-3127	Arkla Energy Resources	Associated Natural Gas Co.	03-30-92	B	10,000	N	I	02-01-92	Indef.
ST92-3128	Arkla Energy Resources	Arkla Oklahoma Gas Corp.	03-30-92	B	4,000	N	I	02-01-92	Indef.
ST92-3129	Arkla Energy Resources	Centran Corp	03-30-92	G-S	30,000	N	I	02-06-92	Indef.
ST92-3130	Arkla Energy Resources	Arkla Energy Marketing Co.	03-30-92	G-S	1,527	A	F	02-01-92	Indef.
ST92-3131	Arkla Energy Resources	M G Natural Gas Corp	03-30-92	G-S	50,000	N	I	02-01-92	Indef.
ST92-3132	ANR Pipeline Co	Michigan Consolidated Gas Co.	03-30-92	B	250,000	N	I	03-01-92	Indef.

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ST92-3133	ANR Pipeline Co	Fina Natural Gas Co	03-30-92	G-S	25,000	N	I	03-01-92	Indef.
ST92-3134	ANR Pipeline Co	Unigas Energy Inc	03-30-92	G-S	250,000	N	I	03-01-92	Indef.
ST92-3135	ANR Pipeline Co	Iowa Public Service Co	03-30-92	G-S	15,000	N	I	03-03-92	Indef.
ST92-3136	Canyon Creek Compression Co.	Chevron USA, Inc	03-30-92	G-S	40,000	N	I	03-01-92	Indef.
ST92-3137	Northern Natural Gas Co.	Iowa Electric Light & Power Co.	03-27-92	B	200,000	N	F/I	03-01-92	Indef.
ST92-3138	Northern Natural Gas Co.	Seagull Marketing Services, Inc.	03-27-92	G-S	50,000	N	F/I	03-01-92	Indef.
ST92-3139	Northern Natural Gas Co.	Centran Corp	03-27-92	G-S	50,000	N	F/I	03-01-92	Indef.
ST92-3140	Webb/Duval Gatherers	Natural Gas P/L Co. of America.	03-27-92	G-S	50,000	N	I	12-01-91	Indef.
ST92-3141	Lone Star Gas Co	Texas Eastern Transmission Co.	03-27-92	C	100,000	N	I	02-26-92	Indef.
ST92-3142	Channel Industries Gas Co.	Tennessee Gas Pipeline Co.	03-27-92	C	100,000	Y	I	02-19-92	Indef.
ST92-3143	Tennessee Gas Pipeline Co.	Superior Natural Gas Corp.	03-27-92	G-S	50,000	N	I	02-28-92	Indef.
ST92-3144	Tennessee Gas Pipeline Co.	Chevron U.S.A. Inc	03-27-92	G-S	205,000	N	I	02-27-92	Indef.
ST92-3145	Tennessee Gas Pipeline Co.	Tenaska Marketing Ventures.	03-27-92	G-S	250,000	N	I	03-08-92	Indef.
ST92-3146	Tennessee Gas Pipeline Co.	Channel Industries Gas Co.	03-27-92	B	1,000,000	Y	I	02-28-92	Indef.
ST92-3147	Tennessee Gas Pipeline Co.	Walter Oil and Gas Corp.	03-27-92	B	50,000	N	I	02-27-92	Indef.
ST92-3148	Tennessee Gas Pipeline Co.	Cornerstone Production Corp.	03-27-92	G-S	150,000	N	I	03-01-92	Indef.
ST92-3149	Kern River Gas Transmission Co.	Mountain Gas Resources, Inc.	03-27-92	G-S	49,800	N	I	03-01-92	Indef.
ST92-3150	Kern River Gas Transmission Co.	Union Pacific Fuels, Inc	03-27-92	G-S	100,000	Y	F	03-01-92	Indef.
ST92-3151	Kern River Gas Transmission Co.	Nevada Cogemeration Assoc. #1.	03-27-92	G-S	13,000	N	F	03-01-92	Indef.
ST92-3152	Kern River Gas Transmission Co.	Nevada Cogemeration Assoc. #2.	03-27-92	G-S	13,000	N	F	03-01-92	Indef.
ST92-3153	Kern River Gas Transmission Co.	M.H. Whittier Corp	03-27-92	G-S	4,500	N	F	03-01-92	Indef.
ST92-3154	Kern River Gas Transmission Co.	Petro-Canada Hydrocarbons Inc.	03-27-92	G-S	60,000	N	F	03-01-92	Indef.
ST92-3155	Kern River Gas Transmission Co.	Canadian Hydrocarbons Marketing.	03-27-92	G-S	20,000	Y	F	03-01-92	Indef.
ST92-3156	Kern River Gas Transmission Co.	Exxon Corp	03-27-92	G-S	50,000	N	I	03-01-92	Indef.
ST92-3157	Natural Gas P/L Co. of America.	Tenngasco Marketing Corp.	03-27-92	G-S	50,000	N	I	02-01-92	Indef.
ST92-3158	Natural Gas P/L Co. of America.	Texas-Ohio Gas, Inc	03-27-92	G-S	30,000	N	I	03-13-92	Indef.
ST92-3159	Natural Gas P/L Co. of America.	Coastal Gas Marketing Co.	03-27-92	G-S	100,000	N	I	03-13-92	Indef.
ST92-3160	Natural Gas P/L Co. of America.	Iowa-Illinois Gas and Elect. Co.	03-27-92	B	1,150	N	F	03-01-92	11-30-93.
ST92-3161	Natural Gas P/L Co. of America.	NGC Transportation, Inc.	03-27-92	G-S	200,000	N	I	03-04-92	Indef.
ST92-3162	Mississippi River Trans. Corp.	Carrollton Utilities	03-27-92	B	50,000	Y	I	03-01-92	Indef.
ST92-3163	Mississippi River Trans. Corp.	Cincinnati Gas and Elect. Co.	03-27-92	B	50,000	Y	I	01-01-91	Indef.
ST92-3164	Mississippi River Trans. Corp.	West Ohio Gas Co	03-27-92	B	45,000	Y	I	03-01-92	Indef.
ST92-3165	Mississippi River Trans. Corp.	Louisiana Resources Co.	03-27-92	B	45,000	Y	I	03-01-92	Indef.
ST92-3166	Mississippi River Trans. Corp.	Midwest Natural Gas Co.	03-27-92	B	50,000	Y	I	01-01-91	Indef.
ST92-3167	Kern River Gas Transmission Co.	Salmon Resources Ltd	03-30-92	G-S	30,000	N	F	03-01-92	Indef.
ST92-3168	Kern River Gas Transmission Co.	Dept. of Water & Power, Los Angeles.	03-30-92	G-S	85,500	Y	F	03-01-92	Indef.
ST92-3169	Kern River Gas Transmission Co.	Canwest Gas Supply U.S.A., Inc.	03-30-92	G-S	25,000	Y	F	03-01-92	Indef.
ST92-3170	Kern River Gas Transmission Co.	Mobil Natural Gas Inc	03-30-92	G-S	85,000	N	F	03-01-92	Indef.
ST92-3171	Columbia Gulf Transmission Co.	Mobil Exploration and Producing.	03-30-92	G-S	50,000	N	I	03-01-92	Indef.
ST92-3172	Transok, Inc	Panhandle Eastern P/L Co.	03-30-92	C	25,000	N	I	03-11-92	Indef.
ST92-3173	Midwestern Gas Transmission Co.	Tenngasco Corp	03-30-92	G-S	1,000,000	A	I	03-01-92	Indef.

Docket No.[1]	Transporter/seller	Recipient	Date filed	Part 284 subpart	Est. max. daily quantity [2]	Aff. Y/A/N [3]	Rate schedule	Date commenced	Projected termination date
ST92-3174	Sonat Intrastate-Alabama Inc.	Tennessee Gas Pipeline Co.	03-30-92	C	1,000	N	I	02-24-92	Indef.
ST92-3175	Transcontinental Gas P/L Corp.	Long Island Lighting Co..	03-30-92	B	25,000	N	I	03-01-92	Indef.
ST92-3176	Iroquis Gas Trans. System, L.P.	Niagara Mohawk Power Corp.	03-30-92	B	30,000	N	F	03-01-92	04-01-92.
ST92-3177	Iroquis Gas Trans. System, L.P.	Coastal Gas Marketing Co.	03-30-92	G-S	15,000	Y	F	03-01-92	04-01-92.
ST92-3178	Iroquis Gas Trans. System, L.P.	Coastal Gas Marketing Co.	03-30-92	G-S	20,000	Y	F	03-01-92	04-01-92.
ST92-3179	Iroquis Gas Trans. System, L.P.	O & R Energy, Inc.....	03-30-92	G-S	477,000	N	I	03-07-92	10-31-92.
ST92-3180	Tennessee Gas Pipeline Co.	Western Gas Marketing USA Ltd.	03-30-92	G-S	450,000	N	I	03-12-92	Indef.
ST92-3181	Tennessee Gas Pipeline Co.	Endevco Oil & Gas Co....	03-30-92	G-S	220,000	N	I	03-01-92	Indef.
ST92-3182	Tennessee Gas Pipeline Co.	Enserch Gas Co.....	03-30-92	G-S	100,000	N	I	03-01-92	Indef.
ST92-3183	Panhandle Eastern Pipe Line Co.	Maxus GAs Marketing Co.	03-30-92	G-S	200,000	N	I	03-01-92	Indef.
ST92-3184	Panhandle Eastern Pipe Line Co.	Access Energy Corp.....	03-30-92	G-S	100,000	N	I	03-01-92	Indef.
ST92-3185	Panhandle Eastern Pipe Line Co.	Aquila Energy Marketing Corp.	03-30-92	G-S	250,000	N	I	03-01-92	Indef.
ST92-3186	Panhandle Eastern Pipe Line Co.	Citizens Gas Supply Corp.	03-30-92	G-S	25,000	N	I	03-01-92	Indef.
ST92-3187	Panhandle Eastern Pipe Line Co.	Anadarko Trading Co.....	03-30-92	G-S	50,000	N	I	03-01-92	Indef.
ST92-3188	Panhandle Eastern Pipe Line Co.	General Motors Corp.....	03-30-92	G-S	20,000	N	I	03-01-92	Indef.
ST92-3189	Panhandle Eastern Pipe Line Co.	Anadarko Trading Co.....	03-30-92	G-S	150,000	N	I	03-01-92	Indef.
ST92-3190	Channel Industries Gas Co.	TPC Transmission, Inc.....	03-30-92	C	100,000	N	I	03-13-92	Indef.
ST92-3191	Trunkline Gas Co.....	NGC Transportation, Inc.	03-31-92	G-S	50,000	N	I	03-01-92	Indef.
ST92-3192	Panhandle Eastern P/L Co.	Indiana Gas Co.....	03-31-92	G-S	51,431	N	I	03-01-92	Indef.
ST92-3193	Florida Gas Transmission Co.	MG Natural Gas Corp.....	03-31-92	G-S	100,000	N	I	03-01-92	Indef.
ST92-3194	Northern Natural Gas Co.	Transok Gas Co.....	03-31-92	G-S	50,000	N	F/I	03-14-92	Indef.
ST92-3195	Mississippi River Trans. Corp.	Ohio Valley Gas Corp.....	03-31-92	B	50,000	N	I	01-01-91	Indef.
ST92-3196	Mississippi River Trans. Corp.	Jackson Utility Div.....	03-31-92	B	50,000	Y	I	01-01-91	Indef.
ST92-3197	Northwest Pipeline Corp..	Development Associates, Inc.	03-31-92	G-S	40,000	N	I	01-01-91	Indef.
ST92-3198	Northwest Pipeline Corp..	Development Associates, Inc.	03-31-92	G-S	10,000	N	I	01-01-91	Indef.
ST92-3199	Tennessee Gas Pipeline Co.	Energy Development Corp.	03-31-92	G-S	500,000	N	I	03-02-92	Indef.
ST92-3200	Tennessee Gas Pipeline Co.	Boston Gas Co.....	03-31-92	B	395,010	N	I	03-01-92	Indef.
ST92-3201	Tennessee Gas Pipeline Co.	Panhandle Trading Co.....	03-31-92	G-S	100,000	N	I	03-01-92	Indef.
ST92-3202	Channel Industries Gas Co.	Sabine Pipe Line Co.....	03-31-92	C	300,000	N	I	03-19-92	Indef.
ST92-3203	Transok, Inc.....	Phillips Gas Pipeline Co..	03-31-92	C	25,000	N	I	01-01-92	Indef.
ST92-3204	Lone Star Gas Co.....	Arkla Energy Resources..	03-31-92	C	30,000	N	I	03-01-92	Indef.
ST92-3206	Gulf States Transmission Corp.	Associated Natural Gas, Inc.	03-31-92	G-S	50,000	N	I	03-01-92	Indef.
ST92-3207	Transcontinental Gas P/L Corp.	Elizabethtown Gas Co., Inc, et al.	03-31-92	B	1,650,000	N	I	03-06-92	Indef.
ST92-3208	Transcontinental Gas P/L Corp.	BP Gas, Inc.....	03-31-92	B	335,900	N	I	03-02-92	Indef.
ST92-3209	Columbia Gas Transmission Corp.	Columbia Gas of Ohio, Inc.	03-31-92	B	30	Y	F	03-01-92	03-31-92.
ST92-3210	Columbia Gas Transmission Corp.	Hope Gas Co.....	03-31-92	B	1,500	N	I	03-13-92	Indef.
ST92-3211	United Gas Pipe Line Co.	Red River Gas Co.....	04-01-92	G-S	1,048	N	I	03-25-92	07-23-92.
ST92-3212	United Gas Pipe Line Co.	Olympic Fuels Co.....	04-01-92	G-S	10,000	N	I	03-20-92	07-18-92.

[1] Notice of Transactions does not constitute a determintion that filings comply with commission regulations in accordance with order No. 436 (final rule and notice requesting supplemental comments, 50 FR 42,372, 10/10/85).

[2] Estimated maximum daily volumes includes volumes reported by the filing company in MMBTU, MCF and DT.

[3] Affiliation of reporting company to entities involved in the transactions. A "Y" indicates affiliation, an "A" indicates marketing affiliation, and a "N" indicates no affiliation.

[Docket No. JD92-0118OT Arkansas-2]

Arkansas Oil and Gas Commission; Amended NGPA Determination

May 6, 1992.

Take notice that on May 5, 1992, the Arkansas Oil and Gas Commission (Arkansas) amended its notice of determination that was filed in the above-referenced proceeding on November 13, 1991, pursuant to § 271.703 (c)(3) of the Commission's regulations. The November 12, 1991 notice determined that the Mansfield Sand within the Mansfield Field, in portions of Sebastian and Scott Counties, Arkansas, qualifies as a tight formation under section 107(b) of the Natural Gas Policy Act of 1978 (NGPA).

Arkansas' amended notice reduces the geographical area covered by its determination by excluding all of sections 31, 32, and 33 in T5N, R3OW, plus the area within sections 5 and 6 in T4N, R30W, which is more than 3,900 feet north of the southern boundary of sections 5 and 6, plus the area within sections 1, 2, and 3 in T4N, R31W, which is more than 3,700 feet north of the southern boundary of sections 1, 2, and 3.

The application for determination is available for inspection, except for material which is confidential under 18 CFR 275.206, at the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. Persons objecting to the determination may file a protest, in accordance with 18 CFR 275.203 and 275.204, within 7 days after the date this notice is issued by the Commission.

Lois D. Cashell,

Secretary.

[FR Doc. 92-11082 Filed 5-11-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. JD92-06272T Pennsylvania-7]

Commonwealth of Pennsylvania; NGPA Determination by Jurisdictional Agency Designating Tight Formation

May 6, 1992.

Take notice that on April 30, 1992, the Bureau of Oil and Gas Management of Pennsylvania (BOGM) submitted the above-referenced notice of determination pursuant to § 271.703(c)(3) of the Commission's regulations, that the Medina Formation in all of Lawrence, Beaver and Butler Counties, Pennsylvania, qualifies as a tight formation under section 107(b) of the Natural Gas Policy Act of 1978 (NGPA).

The notice of determination also contains BOGM's findings that the referenced portion of the Medina Formation meets the requirements of the Commission's regulations set forth in 18 CFR part 271.

The application for determination is available for inspection, except for material which is confidential under 18 CFR 275.206, at the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426. Persons objecting to the determination may file a protest, in accordance with 18 CFR 275.203 an 275.204, within 20 days after the date of this notice is issued by the Commission.

Lois D. Cashell,

Secretary.

[FR Doc. 92-11079 Filed 5-11-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TM92-3-48-001]

ANR Pipeline Co.; Filing of Report of Refund

May 6, 1992.

On March 26, 1992, ANR Pipeline Company (ANR) filed a Report of Refunds pursuant to the Commission's Order dated January 21, 1992, issued in Docket No. TM92-3-48-000. ANR's report shows refunds of $82,396.44 to Michigan Gas Utilities and City of Winfield, both gas sales customers, on March 20, 1992.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with rule 211 of the Commission's Rules of Practice and Procedure, 18 CFR 385.211. All such protests should be filed on or before May 13, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 92-11075 Filed 5-11-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP84-53-016]

Ozark Gas Pipeline Corp.; Report of Refunds

May 6, 1992.

Take notice that on March 30, 1992, Ozark Gas Pipeline Corporation (Ozark) tendered for filing its amended refund report that was filed on August 14, 1991, showing the amount paid to Columbia Gas Transmission Corporation (Columbia) and Tennessee Pipeline Company (Tennessee).

Ozark states that the following is a summary of the refunds made:

	Columbia Gas	Tennessee	Total
August 14, 1991	$387,484.74	$301,863.76	$689,348.50
March 25, 1992	484.19	435.76	919.95
Total refund as amended	387,968.93	302,299.52	690,268.45

Ozark states that the refunds were made in compliance with a Settlement approved by Commission order issued June 5, 1991, in Docket Nos. RP84-53-000, *et al.*

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rule 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.211. All such protests be filed on or before May 13, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 92-11076 Filed 5-11-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA89-1-6-007]

Sea Robin Pipeline Co.; Report of Refunds

May 6, 1992.

Take notice that Sea Robin Pipeline Company (Sea Robin) on January 17, 1992, tendered for filing with the Federal Energy Regulatory Commission (Commission) its Refund Report made in accordance with the Commission's order issued December 3, 1991, in Docket Nos. TA89-1-6-000, *et al.*, accepting a series of filings which resolved the disposition of Sea Robin's Purchase Gas Adjustment pursuant to the Stipulation and Agreement in Docket No. RP88-181. The report reflects refunds of $13,540 due to the correction of certain carrying charge factors.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rule 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.211. All such protests should be filed on or before May 13, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 92-11074 Filed 5-11-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA92-1-7-005]

Southern Natural Gas Co.; Proposed Changes in FERC Gas Tariff

May 6, 1992.

Take notice that on April 30, 1992, Southern Natural Gas Company (Southern) tendered for filing the following revised sheet to its FERC Gas Tariff, Sixth Revised Volume No. 1:

Third Revised Sheet No. 45E.01

Southern states that the proposed tariff sheet and supporting information are being filed in compliance with the Commission's March 31, 1992 order in Docket No. TA92-1-7-000. Consistent with that order, Southern has revised its PGA tariff langauge to ensure that Southern's sales customers are not allocated any of the fuel used and unaccounted for gas costs associated with the transportation services. Southern has proposed an effective date of April 1, 1992 for its proposed tariff sheet consistent with the effective date of its underlying filing in this proceeding.

Southern states that copies of the filing were served upon Southern's jurisdictional purchasers and interested state commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with rule 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.211. All such protests should be filed on or before May 13, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 92-11071 Filed 5-11-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TM92-12-29-000]

Transcontinental Gas Pipe Line Corp.; Tariff Filing

May 6, 1992.

Take notice that on May 1, 1992 Transcontinental Gas Pipe Line Corporation (Transco) tendered for filing certain revised tariff sheets to its FERC Gas Tariff, Third Revised Volume No. 1, which tariff sheets are enumerated in appendix A attached to the filing. The tariff sheets are proposed to be effective on June 1, 1992.

Transco states that the purpose of the instant filing is to calculate Transco's Year 2 LPSP charges for the Annual Recovery Period June 1, 1992 through May 31, 1993 pursuant to sections 33, 35, and 37 of the General Terms and Conditions of Transco's Volume No. 1 Tariff.

Transco states that copies of the instant filing are being mailed to customers, State Commissions and other interested parties. In accordance with provisions of § 154.16 of the Commission's Regulations, copies of this filing are available for public inspection, during regular business hours, in a convenient form and place at Transco's main offices at 2800 Post Oak Boulevard in Houston, Texas.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with 18 CFR 385.211 and 384.214 of the Commission's Rules and Regulations. All such motions or protest should be filed on or before May 13, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 92-11078 Filed 5-11-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP92-48-003]

Viking Gas Transmission Co.; Compliance Filing

May 6, 1992.

Take notice that on May 1, 1992, Viking Gas Transmission Company ("Viking") filed the following tariff sheets to be effective June 1, 1992:

Original Volume No. 1

Substitute Seventeenth Revised Sheet No. 6.
Substitute First Revised Sheet No. 7
Seventh Revised Sheet No. 11
Substitute Second Revised Sheet No. 65
Fourth Revised Sheet No. 66
Fourth Revised Sheet No. 74
Substitute Original Sheet No. 81E1
Substitute Second Revised Sheet No. 97
Substitute Original Sheet No. 97A
Substitute Original Sheet No. 97B

Original Volume No. 2

Substitute Fourth Revised Sheet No. 72

Viking states that the purpose of this filing is to comply with the "Order Accepting and Suspending Tariff Sheets Subject to Refund and Conditions, Rejecting Other Tariff Sheets, Convening Technical Conference, and Establishing Hearing" issued by the Commission on December 31, 1991. Viking also states that it has corrected certain errors in its November 29, 1991 filing in this docket.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rule 211 of the Commission's Rules of Practices and Procedure 18 CFR 385.211. All such protests should be filed on or before May 13, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the

Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 92-11077 Filed 5-11-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP92-48-000]

Viking Gas Transmission Co.; Informal Settlement Conference

May 6, 1992.

Take notice that an informal settlement conference will be convened in this proceeding on May 14, 1992, at 10 a.m., at the offices of the Federal Energy Regulatory Commission, 810 First Street NE., Washington, DC, for the purpose of exploring the possible settlement of the above-referenced docket.

Any party, as defined by 18 CFR 385.102(c) or any participant, as defined in CFR 385.102(b) is invited to attend. Persons wishing to become a party must move to intervene and receive intervenor status pursuant to the Commission's regulations (18 CFR 385.214).

For additional information, contact Arnold H. Meltz at (202) 208-2161 or Joan Dreskin at (202) 208-0738.

Lois D. Cashell,

Secretary.

[FR Doc. 92-11080 Filed 5-11-92; 8:45 am]

BILLING CODE 6717-01-M

Office of Fossil Energy

[FE Docket No. 91-70-NG]

Northern States Power Co. (Wisconsin); Order Granting Long-Term Authorization To Import Natural Gas from Canada

AGENCY: Office of Fossil Energy, Department of Energy.

ACTION: Notice of an order granting long-term authorization to import natural gas from Canada.

SUMMARY: The Office of Fossil Energy of the Department of Energy gives notice that it has issued an order granting Northern States Power Company (Wisconsin) authorization to import up to 15,000 Mcf of Canadian gas per day over a ten-year period commencing on the later of November 1, 1992, or date of first delivery.

A copy of this order is available for inspection and copying in the Office of Fuels Programs Docket Room, 3F-056, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586-9478. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, May 4, 1992.

Charles F. Vacek,

Deputy Assistant Secretary for Fuels Programs, Office of Fossil Energy.

[FR Doc. 92-11115 Filed 5-11-92; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL-4132-7]

Science Advisory Board; Request for Nomination of Members and Consultants

In accordance with its standard operating procedures (SAB-FRL-2657-4 dated August 21, 1984), the Science Advisory Board (SAB) (including the Clean Air Scientific Advisory Committee (CASAC) of the Environmental Protection Agency (EPA) is soliciting nominations for Members and Consultants (M/Cs). As part of this effort, the Agency is publishing this notice to describe the purpose of the SAB and to invite the public to nominate appropriately qualified candidates of any gender or ethnic background to fill upcoming vacancies. This process supplements other efforts to identify qualified candidates.

The SAB is composed of Non-Federal Government scientists and engineers who are employed on an intermittent basis to provide independent advice directly to the EPA Administrator on technical aspects of public health and environmental issues confronting the Agency. Members of the SAB are appointed by the Administrator to serve two year terms with some possibilities for reappointment. Consultants are appointed by the Staff Director of the Science Advisory Board to serve renewable one-year terms and serve on SAB committees, as needed. Many individuals serve as consultants prior to serving as members.

Any interested person or organization may nominate qualified persons to serve on the SAB. Nominees should be qualified by education, training and experience to evaluate scientific, engineering and/or economics information on issues referred to and addressed by the Board.

Members and Consultants most often serve in association with one of the following standing committees: Clean Air Act Compliance Analysis Council, Clean Air Scientific Advisory Committee, Drinking Water Committee, Ecological Processes and Effects Committee, Environmental Economics Advisory Committee, Environmental Engineering Committee, Environmental Health Committee, Indoor Air Quality/Total Human Exposure Committee, Radiation Advisory Committee, and Research Strategies Advisory Committee.

Members and Consultants can expect to attend 1-6 meetings per year, based upon the activity of the committee on which they serve. M/Cs generally serve as "Special Government Employees (SGEs)" (40 CFR part 3, subpart F or "EPA Ethics Advisory 88-6 dated 7/16/88) and receive compensation based upon their regular income, in addition to reimbursement at the Federal government rate for travel and per diem expenses while serving on the SAB. SGEs are required to complete an application package, including a Confidential Statement of Financial Interests.

Nominees should be identified by name, occupation, position, address, telephone number, and SAB committee of primary interest. Nominations should include a current resume that addresses the nominee's background, experience, qualifications, and specific areas of expertise.

Information on the nominees will be entered into the SAB's data base for potential M/Cs which will be consulted whenever vacancies arise and/or when special expertise is needed for particular reviews. This request for nominations does not imply any commitment by the Agency to select individuals to serve as a member of or consultant to the Science Advisory Board from the responses received.

Nominations should be submitted to: Ms. Joanna Foellmer, Project Coordinator, Science Advisory Board, U.S. EPA, 401 M St. SW., Washington, DC 20460 Tel: (202)-260-4126 no later than July 27, 1992. A list of current M/Cs and the Annual Report of the Staff Director is available by calling (202) 260-4126.

Dated: May 6, 1992.

Donald G. Barnes,

Staff Director, Science Advisory Board.

[FR Doc. 92-11112 Filed 5-11-92; 8:45 am]

BILLING CODE 6560-50-M

[FRL-4132-6]

Science Advisory Board: Ecological Processes and Effects Committee, Alaskan Bioremediation Task Group, Sediment Criteria Subcommittee; Open Meetings

Under Public Law 92-463, notice is hereby given that the Ecological

Processes and Effect Committee (EPEC) of the science Advisory Board of EPA will hold three meetings in June 1992: Two meetings of Subcommittees and one meeting of the parent committee EPEC. All of the meetings will be held at the Howard Johnson National Airport Hotel, 2650 Jefferson Davis Highway, Arlington, VA 22202 and they are open to the public.

The Alaskan Bioremdediation Task Group will meet June 1–2, 1992. The meeting will start at 8:30 a.m. on June 1 and will adjourn no later than 5 p.m. on June 2. The main purpose of this meeting is to review EPA's final report on the "Alaskan Oil Spill Bioremdediation Project" (EPA/600/9–91/046a and 046b) in Prince William Sound, Alaska. The plans for this project were reviewed by the SAB and recommendations were provided (EPA–SAB–EETFC–89–023, June, 1989). Based on the tentative charge, the SAB has been asked to review the report to determine: 1. Whether the conclusions on the effectiveness of bioremediation are correct; 2. whether the conclusions regarding ecological effects from bioremediation are warranted; 3. to identify other tests, research, and lessons which should be considered for use of bioremediation in the future; and 4. evaluate the scientific adequacy of he approach to assess bioremediation and its ecological impacts. Copies of the ORD reports for this review are available from Mr. Thomas Baugh, U.S. EPA, Office of Research and Development (RD–681), 401 M St., SW., Washington, DC 20460. Phone: (202) 260–7448.

The Sediment Criteria Subcommittee will meet on June 10–11, 1992. This meeting will begin at 9 a.m. on June 10, 1992 and will adjourn no later than 5 p.m. on June 11. The main purpose of this meeting is to review five proposed sediment quality criteria for the protection of benthic organisms and the approach for using them. This Subcommittee has reviewed the underlying methodology for deriving the criteria, the Equilibrium Partitioning Approach (EPA–SAB–EPEC–90–006). The Subcommittee will also receive briefings on the Agency's plans for using sediment criteria and actions that EPA has taken to address earlier SAB recommendations. Based on the tentative charge the Subcommittee review will: 1. Evaluate the Agency's progress in addressing the uncertainties associated with the Equilibrium Partitioning Approach and 2. Evaluate how the Agency intends to use sediment quality criteria in light of these uncertainties. Copies of the background documents for this review will be available from Mr. Chrisopher Zarba, U.S. EPA, Office of Science and Technology (WH–585), Office of Water, 401 M St., SW., Washington, DC 20460. Phone: (202) 260–1326.

The Ecological Processes and Effects Committee will meet June 18–19, 1992 to review draft reports of its subcommittees and to plan its agenda for Fiscal Year 1993. These draft reports will be available at the time of this meeting, for information purposes. the meeting will begin at 9 a.m. on June 18 and adjourn by 5 p.m. on June 19.

For additional information concerning these three meetings or to obtain an agenda, please contact Dr. Edward Bender, Designated Federal Official, or Mrs. Marcia Jolly, Staff Secretary, Ecological Processes and Effects Committee (EPEC), Science Advisory Board (A–101–F), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460. Phone: (202) 260–6552; Fax: (202) 260–7118. If you wish to obtain a copy of an SAB report cited in this notice, please contact Ms. Lori Gross at (202) 260–4126. Anyone wishing to make a presentation at the meeting should forward twenty-five copies of a written statement to Dr. Bender no later than May 20, 1992 for the Alaskan Bioremediation review, no later than May 27, 1992 for the review of Sediment Criteria, and no later than June 3 for the EPEC planning meeting. The Science Advisory Board expects that the public statements presented at its meetings will not be repetitive of previously submitted written statements. In general, each individual or group making an oral presentation will be limited to a total time of five minutes. Speakers should bring copies of their statements for the SAB and the audience. Seating at the meetings will be on a first come basis.

Dated: April 30, 1992.

Donald Barnes,

Staff Director, Science Advisory Board.

[FR Doc. 92–1111 Filed 5–11–92; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL MARITIME COMMISSION

Agreement(s) Filed; Maryland Port Administration et al

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street, NW., room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 224–011092–003.

Title: Maryland Port Administration/ITO Corporation Terminal Agreement.

Parties:

Maryland Port Administration ("MPA")

ITO Corporation of Baltimore, Inc. ("ITO")

Synopsis: The amendment provides for the extension of the agreement between the parties for an additional year. It also provides that the size of the leased premises shall be reduced by 10 acres to 70.83 acres with a proportional decrease in the amount of ITO's rental payment to MPA.

Agreement No.: 224–200630–001.

Title: The Port Authority of New York and New Jersey/Maher Terminals, Inc., Terminal Agreement.

Parties:

The Port Authority of New York and New Jersey ("Port Authority")

Maher Terminals, Inc. ("Maher")

Synopsis: The Agreement, designated at Supplement No. 1 to Permit No. PEP–49, dated April 20, 1992, between the Port and Maher, provides for the use and occupancy of approximately two and one-half additional acres of open area adjacent to Maher's Tripoli Street Container Terminal.

Agreement No.: 224–200133–001.

Title: Port Authority of New York & New Jersey/Sea-Land Service, Inc. Terminal Lease Agreement.

Parties:

Port Authority of New York & New Jersey ("Port Authority")

Sea-Land Service, Inc. ("Sea-Land")

Synopsis: The subject modification authorizes an expansion of the marine terminal area currently available to Sea-Land at the Port Authority's Elizabeth-Port Authority Marine Terminal.

Agreement No.: 224–200655.

Title: Maryland Port Administration/MacMillan Bloedel Building Materials, U.S. Terminal Lease Agreement.

Parties:

Maryland Port Administration

MacMillan Bloedel Building Materials, U.S.

Synopsis: The subject Agreement provides for a month-to-month lease of land at the South Locust Point Marine Terminal, Baltimore, Maryland.

By Order of the Federal Maritime Commission.

Dated: May 6, 1992.

Joseph C. Polking,

Secretary.

[FR Doc. 92–11020 Filed 5–11–92; 8:45 am]

BILLING CODE 6730–01–M

Notice of Agreement Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street, NW., room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the Federal Register in which this notice appears. The requirements for comments are found in § 572.603 of title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 217–011374.

Title: Wilhelmsen/Contship Slot Charter Agreement.

Parties: Wilhelmsen Lines AS, Contship Containerlines Limited.

Synopsis: The proposed Agreement would permit the parties to charter space from one another on their respective vessels in the trade from the United States Atlantic and Gulf Coast ports to ports in Australia and New Zealand. The parties have requested a shortened review period.

By Order of the Federal Maritime Commission.

Dated: May 7, 1992.

Joseph C. Polking,

Secretary.

[FR Doc. 92–11068 Filed 5–11–92; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Consumer Advisory Council; Meeting of Consumer Advisory Council

The Consumer Advisory Council will meet on Thursday, June 11. The meeting, which will be open to public observation, will take place in Terrace Room E of the Martin Building. The meeting is expected to begin at 9 a.m. and to continue until 5 p.m., with a lunch break from 1 until 2 p.m. The Martin Building is located on C Street, Northwest, between 20th and 21st Streets in Washington, DC.

The Council's function is to advise the Board on the exercise of the Board's responsibilities under the Consumer Credit Protection Act and on other matters on which the Board seeks its advice. Time permitting, the Council will discuss the following topics:

Issues Related to Unlawful Mortgage Discrimination

Presentation by the Community Affairs and Housing Committee regarding unlawful mortgage discrimination, which will include a survey of existing evidence about how and when discrimination occurs, an evaluation of research strategies to help detect discrimination, and some ideas for research and other next steps to address concerns about discriminatory practices in the marketplace.

CRA Performance Evaluations

Discussion led by the Community Reinvestment Act Committee concerning the consistency and quality of the publicly available CRA Performance Evaluations within and among the banking agencies, and the type of information contained in the reports, including a recent statutory directive that examiners discuss the "data" they use to reach a conclusion about an institution's CRA efforts.

Truth in Savings Act

Discussion led by the Depository and Delivery Systems Committee on issues set out in the Board's proposed Regulation DD (Truth in Savings Act), which will require institutions to disclose to consumers interest rates, yields and other terms on various savings instruments.

Electronic Benefits Transfer Programs

(Tentative Pending publication of Board proposal.) discussion led by the Depository and Delivery Systems Committee on a Board proposal that would apply certain provisions of regulation E (Electronic Fund Transfers) to electronic benefits transfer programs for recipients of public assistance and other benefits.

Members Forum

Presentation of individual Council members' views on whether there are visible signs of an economic upturn present within their industries or local economies and whether it is getting easier to obtain a loan.

Governor's Report

Report by Federal Reserve Board Member Lawrence B. Lindsey on recent Board initiatives and issues of concern, with an opportunity for questions from Council members.

Council Member Perspectives

Remarks by Council members identifying special areas of importance and concern to their organizations regarding the provision of financial services to consumers and communities.

Committee Reports

Reports from Council committees on their work and plans for 1992.

Other matters previously considered by the Council or initiated by Council members may also be discussed.

Persons wishing to submit to the Council their views regarding any of the above topics may do so by sending written statements to Ann Marie Bray, Secretary, Consumer Advisory Council, Division of Consumer and Community Affairs, Board of Governors of the Federal Reserve System, Washington, DC 20551. Comments must be received no later than close of business Friday, June 5, and must be of a quality suitable for reproduction.

Information with regard to this meeting may be obtained from Bedelia Calhoun, Staff Specialist, Consumer Advisory Council, Division of Consumer and Community Affairs, Board of Governors of the Federal Reserve System, Washington, DC 20551, (202) 452–2412. Telecommunications Device for the Deaf (TDD) users may contact Dorothea Thompson, (202) 452–3544.

Board of Governors of the Federal Reserve System, May 6, 1992.

William W. Wiles,

Secretary of the Board.

[FR Doc. 92–11036 Filed 5–11–92; 8:45 am]

BILLING CODE 6210–01–M

George William Moody; Change in Bank Control Notice

Acquisition of Shares of Banks or Bank Holding Companies

The notificant listed below has applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notice is available for immediate inspection at the Federal Reserve Bank indicated. Once the notice has been

accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for the notice or to the offices of the Board of Governors. Comments must be received not later than May 26, 1992.

A. Federal Reserve Bank of Dallas (W. Arthur Tribble, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. George William Moody, Longview, Texas; to acquire an additional 22.74 percent (for a total of 47.64 percent) of the voting shares of First White Oak Bancshares, Inc., White Oak, Texas, and thereby indirectly acquire White Oak State Bank, White Oak, Texas.

Board of Governors of the Federal Reserve System, May 6, 1992.

William W. Wiles,

Secretary of the Board.

[FR Doc. 92-11033 Filed 5-11-92; 8:45 am]

BILLING CODE 6210-01-F

Whitaker Bank Corporation of Kentucky, Inc.; Formation of, Acquisition by, or Merger of Bank Holding Companies

The company listed in this notice has applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that application or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Comments regarding this application must be received not later than June 5, 1992.

A. Federal Reserve Bank of Cleveland (John J. Wixted, Jr., Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. Whitaker Bank Corporation of Kentucky, Inc., Lexington, Kentucky, and Whitaker Bancshares, Inc., Lexington, Kentucky; to acquire 100 percent of the voting shares of Cornat, Inc., Shepardsville, Kentucky, and thereby indirectly acquire The National Bank of Corinth, Corinth, Kentucky.

Board of Governors of the Federal Reserve System, May 6, 1992.

William W. Wiles,

Secretary of the Board.

[FR Doc. 92-11034 Filed 5-11-92; 8:45 am]

BILLING CODE 6210-01-F

USBANCORP, Inc.; Notice of Application to Engage de novo in Permissible Nonbanking Activities

The company listed in this notice has filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than June 5, 1992.

A. Federal Reserve Bank of Philadelphia (Thomas K. Desch, Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105:

1. USBANCORP, Inc., Johnstown, Pennsylvania; to acquire USBANCORP Trust Company, Johnstown, Pennsylvania, to engage *de novo* in performing functions or activities that may be performed by a trust company, pursuant to § 225.25(b)(3) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, May 6, 1992.

William W. Wiles,

Secretary of the Board.

[FR Doc. 92-11035 Filed 5-11-92; 8:45 am]

BILLING CODE 6210-01-F

FEDERAL TRADE COMMISSION

[Dkt. C-3380]

Nu-Day Enterprises, Inc., et al.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order prohibits, among other things, a Washington corporation, its owner, and an officer from making false and unsubstantiated claims concerning their diet program, and from misrepresenting that any program length television commercial ("informercial") they produce is an independent program and not a paid advertisement; and requires a disclosure message, within the first 30 seconds of any infomercial that is 15 minutes long or longer, and in addition, every time ordering information is presented, a disclosure that the infomercial is a paid advertisement.

DATES: Complaint and Order issued April 22, 1992.[1]

FOR FURTHER INFORMATION CONTACT: Timothy Hughes or John Hallerud, Chicago Regional Office, Federal Trade Commission, 55 East Monroe St., suite 1437, Chicago, IL. 60603. (312) 353-4423.

SUPPLEMENTARY INFORMATION: On Wednesday, November 13, 1991, there was published in the **Federal Register**, 56 FR 57651, a proposed consent agreement with analysis In the Matter of Nu-Day Enterprises, Inc., et al., for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments.

[1] Copies of the Complaint and the Decision and Order are available from the Commission's Public Reference Branch, H-130, 6th Street & Pennsylvania Avenue, NW., Washington, DC 20580.

suggestions or objections regarding the proposed form of the order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered an order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45, 52)

Donald S. Clark,

Secretary.

[FR Doc. 92–11055 Filed 5–11–92; 8:45 am]

BILLING CODE 6750-01-M

[Dkt. C-3379]

Texas Board of Chiropractic Examiners; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent Order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order requires, among other things, the Texas Licensing Board to repeal existing rules that prohibit truthful, nondeceptive advertising, and certain types of solicitation, and also prohibits respondent from adopting similar rules or policies in the future. In addition, respondent is prohibited from taking or threatening disciplinary action against any person or organization that advertises truthfully.

DATES: Complaint and Order issued April 21, 1992.[1]

FOR FURTHER ACTION CONTACT: Thomas Carter or Gary Kennedy, Dallas Regional Office, Federal Trade Commission, 100 N. Central Expressway, suite 500, Dallas, TX, 75201. (214) 767–5503.

SUPPLEMENTARY INFORMATION: On Wednesday, April 5, 1989, there was published in the **Federal Register**, 54 FR 13695, a proposed consent agreement with analysis In the Matter of Texas Board of Chiropractic Examiners, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of the order.

A comment was filed and considered by the Commission. The Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered an order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

Donald S. Clark,

Secretary.

[FR Doc. 92–11054 Filed 5–11–92; 8:45 am]

BILLING CODE 6750-01-M

[Docket C-2755]

U.S. Pioneer Electronics Corp.; Prohibited Trade Practices and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Modifying order and order to show cause.

SUMMARY: This order modifies, in part, the consent order issued in 1975 (40 FR 57197) by allowing the company to withhold cooperative advertising allowances from dealers, and to unilaterally terminate dealers, which have advertised its products at prices other than those suggested by the company. In addition, the Commission ordered Pioneer to show cause why additional modification to paragraph I.10. should not be made, so that Pioneer would not be prohibited from unilaterally terminating a dealer that sells Pioneer home electronics products at a price other than the suggested retail price.

DATES: Consent Order issued October 24, 1975. Modifying Order and Order To Show Cause issued April 8, 1992.[1]

FOR FURTHER INFORMATION CONTACT: Eric Rohlck, FTC/S–2115, Washington, DC 20580. (202) 326–2687.

SUPPLEMENTARY INFORMATION: In the Matter of U.S. Pioneer Electronics Corp., the prohibited trade practices and/or corrective actions as set forth at 40 FR 57197, are changed and deleted, in part.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

Donald S. Clark,

Secretary.

[FR Doc. 92–11056 Filed 5–11–92; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

U.S. Advisory Board on Child Abuse and Neglect; Meeting

AGENCY: U.S. Advisory Board on Child Abuse and Neglect, Administration for Children and Families, Department of Health and Human Services.

ACTION: Notice of the eleventh meeting of the U.S. Advisory Board on Child Abuse and Neglect.

SUMMARY: The U.S. Advisory Board on Child Abuse and Neglect will hold its eleventh meeting in Minneapolis, Minnesota from 1:30 p.m., May 26, 1992 through 3:30 p.m., May 29, 1992. A portion of the Board meeting, on Wednesday, May 27 from 9 a.m. to 7 p.m. is closed to the public due to the need for confidentiality in connection with Board deliberations on five separate Board documents to be released during Fiscal Year 1992.

ADDRESSES: The meeting will be held at: Crown Sterling Suites Hotel, 425 S. Seventh Street, Minneapolis, MN 55415.

FOR FURTHER INFORMATION CONTACT: Joan M. Williams, Special Projects Specialist, U.S. Advisory Board on Child Abuse and Neglect, room 300E, Humphrey Building, Washington, DC 20201, (202) 245–0208.

SUPPLEMENTARY INFORMATION: During a portion of this meeting the Executive Committee of the Board will: Discuss the Board's 1992 report on research; review progress and problems in producing its 1993 report on a new national child protection strategy; review the proposed steps involved in producing its 1994 report on child maltreatment-related fatalities; and discuss "markers" the Board should use in the development of its 1995 report on the state of child maltreatment in America.

During the remainder of this meeting, the Board will: Meet with Hennepin County public and private agency officials about the Hennepin County approach to the protection of children; meet with representatives of corporations and foundations about their involvement in child protection efforts; conduct a public hearing on reforming the delivery of child protective services; discuss key issues in the first draft of the 1992 report on research; discuss the first draft of the 1992 special report on reforming the delivery of child protective services; discuss the first draft of a proposed statement on the lack of progress in

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[1] Copies of the Complaint and the Decision and Order are available from the Commission's Public Reference Branch, H–130, 6th Street & Pennsylvania Avenue, NW., Washington, DC 20580.

[1] Copies of the Modifying Order and Show Cause Order are available from the Commission's Public Reference Branch, H–130, 6th & Pennsylvania Avenue NW., Washington, DC 20580.

implementing the Board's 1990 and 1991 recommendations; discuss further a proposed process through which the Board would take public, highly-visible stands on child protection policy issues; review the first draft of a proposed 1992 special report on appropriations needed to implement the 1992 CAPTA amendments; honor the four members whose terms of office expire in 1992; receive updates on the Inter-Agency Task Force on Child Abuse and Neglect, the DHHS Initiative on Child Abuse and Neglect, and Children's Bureau and National Center developments since the April 1992 meeting; discuss the first draft of a strategy paper on sexual abuse; discuss the second draft of a strategy paper on foster care; discuss the proposed steps involved in producing the 1994 report on child maltreatment-related fatalities; discuss the "markers" the Board should use in the development of the 1995 report on the state of child maltreatment in America; review a proposed orientation program for new members; discuss issues related to the authorship of Board documents; and review in detail the Board's calendar of activities through the end of May 1993.

Dated: May 1, 1992.

Byron D. Metrikin-Gold,

Executive Director, U.S. Advisory Board on Child Abuse and Neglect.

[FR Doc. 92-11018 Filed 5-11-92; 8:45 am]

BILLING CODE 4130-01-M

Agency for Health Care Policy and Research

Public Meeting on the Clinical Practice Guideline for Diagnosis and Treatment of Heart Failure Secondary to Coronary Vascular Disease

The Agency for Health Care Policy and Research (AHCPR) announces that a public meeting will be held to receive comments and information pertaining to the development of the clinical practice guideline for diagnosis and treatment of heart failure secondary to coronary vascular disease. The guideline is being developed by a non-profit contractor of AHCPR with the assistance of a panel of experts and health care consumers.

A Notice announcing that AHCPR had awarded three contracts for development of clinical guidelines on otitis media in children, post-stroke rehabilitation, and congestive heart failure; and inviting nominations, on behalf of the contractors, for panels of experts and consumers was published in the **Federal Register** on December 2, 1991 (56 FR 61252).

A public meeting to address the guideline for the diagnosis and treatment of heart failure secondary to coronary vascular disease and to provide an opportunity for interested parties to contribute relevant information and comments will be held as follows: Friday, June 16, 1992, 9 a.m. to 12 noon, Los Angeles Airport Marriott, 5855 W. Century Blvd., Los Angeles, CA 90045, 310-641-5700.

Background

The Omnibus Budget Reconciliation Act of 1989 (Pub. L. 101-239) enacted on December 19, 1989, added a new title IX to the Public Health Service Act (the Act) (42 U.S.C. 299-299c-6), which established the Agency for Health Care Policy and Research (AHCPR) to enhance the quality, appropriateness, and effectiveness of health care services, and access to such services.

Section 911 of the Act (42 U.S.C. 299b) established, within AHCPR, the Office of the Forum for Quality and Effectiveness in Health Care (the Forum). Through this office, AHCPR is arranging for the development and periodic review and updating of clinically relevant guidelines that may be used by physicians, educators, other health care practitioners, and consumers to assist in determining how diseases, disorders, and other health conditions can most effectively and appropriately be prevented, diagnosed, treated, and managed clinically.

Section 912 of the Act (42 U.S.C. 299b-1(b)) requires that the guidelines be:

1. Based on the best available research and professional judgment;

2. Presented in formats appropriate for use by physicians, other health care practitioners, medical educators, medical review organizations, and consumers of health care; and

3. In forms appropriate for use in clinical practice, educational programs, and reviewing quality and appropriateness of medical care.

Section 914 of the Act (42 U.S.C. 299b-3(a)) identifies factors to be considered in establishing priorities for guidelines, including the extent to which the guidelines would:

1. Improve methods of prevention, diagnosis, treatment, and clinical management, and thereby benefit a significant number of individuals;

2. Reduce clinically significant variations among clinicians in the particular services and procedures utilized in making diagnoses and providing treatments; and

3. Reduce clinically significant variations in the outcomes of health care services and procedures.

The following topics were selected in 1990 for guideline development:

1. Management of Functional Impairment Due to Cataract in the Adult.

2. Diagnosis and Treatment of Benign Prostatic Hyperplasia.

3. Urinary Incontinence in Adults.

4. Prediction, Prevention, and Early Intervention of Pressure Ulcers.

5. Sickle Cell Disease.

6. Acute Pain Management: Operative or Medical Procedures and Trauma.

7. Diagnosis and Treatment of Depressed Outpatients in Primary Care Settings.

In 1991, the following additional new topics were selected for guideline development by panels of experts and consumer representatives for by AHCPR:

1. management of Cancer-Related Pain.

2. Treatment of Stage II and Greater Pressure Ulcers.

3. HIV Positive Asymptomatic Patient: Evaluation and Early Intervention.

4. Low Back Problems.

5. Development of Quality Determinants of Mammography.

6. Screening for Alzheimer's and Related Dementias.

Also in 1991, three topics were selected for guidelines development by contractors, with assistance from panels of experts and consumer representatives:

1. Diagnosis and Treatment of Otitis Media in Children.

2. Diagnosis and Treatment of Heart Failure Secondary to Coronary Vascular Disease.

3. Post Stroke Rehabilitation.

Responsibilities of the contractors, assisted by contract panels, include determination of the scope of the guidelines, assessment of the available scientific evidence and clinical consensus, and conducting peer review of drafts of the guidelines.

Arrangements for the June 26 Public Meeting on Diagnosis and Treatment of Heart Failure Secondary to Coronary Vascular Disease

Representatives of organizations and other individuals are invited to provide relevant written comments and information and make a brief (5 minutes or less) oral statement to the panel. Individuals and representatives who would like to attend must register with the RAND Corporation, the non-profit contractor responsible for the development of the guideline, at the address set out below by June 10, 1992, and indicate whether they plan to make an oral statement. Those wishing to

make oral statements and provide written comments and information should also submit copies of these to RAND by June 10. If more requests to make oral statements are received than can be accommodated between 9 a.m. and 12 p.m. on June 26, the chairperson will allocate speaking time in a manner which ensures, to the extent possible, that a range of views of health cared professionals and providers, health care consumers, product manufacturers, and pharmaceutical manufacturers, is presented. Those who cannot be granted their requested speaking time because of time constraints can be assured that their written comments will be considered in developing the guidelines.

In addition, if sign language interpretation or other reasonable accommodation for a disability is needed, please contact the RAND Corporation by June 10 at the address below.

Registration should be made with and written materials submitted to: RAND Corporation, Attn. Carole Oken, Department of Social Policy, 1700 Main Street, Santa Monica, CA 90407–2138, Phone: 310/393–0411, Fax: 310–393–4818.

Dated: May 5, 1992.

J. Jarrett Clinton,

Administrator.

[FR Doc. 92–11040 Filed 5–11–92; 8:45 am]

BILLING CODE 4160–90–M

Public Meeting on Clinical Practice Guideline for Post Stroke Rehabilitation

The Agency for Health Care Policy and Research (AHCPR) announces that a public meeting will be held to receive comments and information pertaining to the development of the clinical practice guideline on post stroke rehabilitation. The guideline is being developed by a non-profit contractor of AHCPR with the assistance of a panel of experts and health care consumers.

A Notice announcing that AHCPR had awarded three contracts for the development of clinical guidelines on otitis media in children, post stroke rehabilitation, and congestive heart failure; and inviting nominations, on behalf of the contractors, for panels experts and consumers was published in the Federal Register on December 2, 1991 (56 FR 61252).

A public meeting to address the guideline for post stroke rehabilitation and to provide an opportunity for interested parties to contribute relevant information and comments will be held as follows: Friday, June 12, 1992, 9 a.m. to 12 noon, Omni Shoreham Hotel, 2500 Calvert Street, NW., Washington, DC 20008, (202) 234–0700.

Background

The Omnibus Budget Reconciliation Act of 1989 (Pub. L. 101–239) enacted on December 19, 1989, added a new title IX to the Public Health Service Act (the Act) (42 U.S.C. 299–299c–6), which established the Agency for Health Care Policy and Research (AHCPR) to enhance the quality, appropriateness, and effectiveness of health care services, and access to such services.

Section 911 of the Act (42 U.S.C. 299b) established within AHCPR, the Office of the Forum for Quality and Effectiveness in Health Care (the Forum). Through this office, AHCPR is arranging for the development and periodic review and updating of clinically relevant guidelines that may be used by physicians, educators, other health care practitioners, and consumers to assist in determining how diseases, disorders, and other health conditions can most effectively and appropriately be prevented, diagnosed, treated, and managed clinically.

Section 912 of the Act (42 U.S.C. 299b–1(b)) requires that the guidelines be:

1. Based on the best available research and professional judgement;

2. Presented in formats appropriate for use by physicians, other health care practitioners, medical educators, medical review organizations, and consumers of health care; and

3. In forms appropriate for use in clinical practice, educational programs, and reviewing quality and appropriateness of medical care.

Section 914 of the Act (42 U.S.C. 299b–3(a)) identifies factors to be considered in establishing priorities for guidelines, including the extent to which the guidelines would:

1. Improve methods of prevention, diagnosis, treatment, and clinical management, and thereby benefit a significant number of individuals;

2. Reduce clinically significant variations among clinicians in the particular services and procedures utilized in making diagnoses and providing treatments; and

3. Reduce clinically significant variations in the outcomes of health care services and procedures.

The following topics were selected in 1990 for guideline development:

1. Management of Functional Impairment Due to Cataract in the Adult.

2. Diagnosis and Treatment of Benign Prostatic Hyperplasia.

3. Urinary Incontinence in Adults.

4. Prediction, Prevention, and Early Intervention of Pressure Ulcers.

5. Sickle Cell Disease.

6. Acute Pain Management: Operative or Medical Procedures and Trauma.

7. Diagnosis and Treatment of Depressed Outpatients in Primary Care Settings.

In 1991, the following additional new topics were selected for guideline development by panels of experts and consumer representatives arranged for by AHCPR:

1. Management of Cancer-Related Pain.

2. Treatment of State II and Greater Pressure Ulcers.

3. HIV Positive Asymptomatic Patient: Evaluation and Early Intervention.

4. Low Back Problems.

5. Development of Quality Determinants of Mammography.

6. Screening for Alzheimer's and Related Dementias.

Also in 1991, three topics were selected for development of guidelines by contractors, with assistance from panels of experts and consumer representatives:

1. Diagnosis and Treatment of Otitis Media in Children.

2. Diagnosis and Treatment of Heart Failure Secondary to Coronary Vascular Disease.

3. Post Stroke Rehabilitation.

Responsibilities of the contractors, assisted by contract panels, include determination of the scope of the guidelines, assessment of the available scientific evidence and expert clinical consensus, and conducting peer and pilot reviews of drafts of the guidelines.

Arrangements for the June 12 Public Meeting on Post Stroke Rehabilitation

Representatives of organizations and other individuals are invited to provide relevant written comments and information and make a brief (5 minutes or less) oral statement to the panel. Individuals and representatives who would like to attend must register with the Center for Health Economics Research (CHER), the non-profit contractor responsible for the development of the guideline, at the address set out below by June 8, 1992, and indicate whether they plan to make an oral statement. Those wishing to make oral statements and provide written comments and information should also submit copies of these to CHER by June 8, 1992. If more requests to make oral statements are received than can be accommodated between 9 a.m. and 12 noon on June 12, the chairperson will allocate speaking time in a manner which ensures, to the extent possible, that a range of views of health care professionals and providers, health

care consumers, product manufacturers, and pharmaceutical manufacturers, is presented. Those who cannot be granted their requested speaking time because of time constraints can be assured that their written comments will be considered in developing the guidelines.

In addition, if sign language interpretation or other reasonable accommodation for the disability is needed, please contact CHER by June 8 at the address below.

Registration should be made with and written materials submitted to: Center for Health Economics Research, Attn: William B. Stason, M.D., 300 Fifth Avenue, 6th Floor, Waltham, MA 02154, Phone: 617/487–0200, Fax: 617/487–0202.

Dated: May 5, 1992.

J. Jarrett Clinton,

Administrator.

[FR Doc. 92–11041 Filed 5–11–92; 8:45 am]

BILLING CODE 4160–90–M

Centers for Disease Control

[Announcement Number 225]

Cooperative Agreement for State-Based Surveillance Activities-Sentinel Event Notification Systems for Occupational Risk (Sensor); Availability of Funds for Fiscal Year 1992

Introduction

The Centers for Disease Control (CDC), the Nation's prevention agency, announces the availability of Fiscal Year 1992 funds for cooperative agreements with state and territorial department of health (or other state or territorial governmental agencies in collaboration with a department of health) to institute and/or expand surveillance for occupational diseases and injuries.

The Public Health Service (PHS) is committed to achieving the health promotion and disease prevention objectives of Healthy People 2000, a PHS-led national activity to reduce morbidity and mortality and improve the quality of life. This announcement is related to the priority area of Occupational Safety and Health. (To order a copy of Healthy People 2000, see the Section **WHERE TO OBTAIN ADDITIONAL INFORMATION.**)

Authority

This program is authorized under section 20(a) of the Occupational Safety and Health Act of 1970 [29 U.S.C. 669(a)] and sections 301 (42 U.S.C. 241) and 317 (42 U.S.C. 247b) of the Public Health Service Act as amended.

Eligible Applicants

Eligible applicants are the official state or territorial health department or other official state or territorial agencies with occupational safety and health jurisdiction. Applicants other than the health department must apply in conjunction with their state or territorial health department.

Applicants may apply for funding under one or both of the two surveillance categories (SENSOR Experimentation and SENSOR Field-Testing) covered under these cooperative agreements described under BACKGROUND. Under each category, applicants may apply for funding for a single or multiple target conditions. We intend to support surveillance for no more than three target conditions per state.

Health departments who have previously received SENSOR funding are eligible to reapply for the same target conditions if they wish. The current SENSOR funding recipients who piloted the surveillance approaches now ready for field-testing are eligible to reapply for these target conditions under the SENSOR Field-Testing category.

Applicants seeking funding for blood lead surveillance are referred to Announcement Number 229.

Availability of funds

Approximately $1 million will be available in Fiscal Year 1992. It is expected that the awards will begin on or about September 30, 1992, and will be made for a 12-month budget period within a project period of up to five years. Funding estimates may vary and are subject to change.

Continuation funding within the project period will be made on the basis of satisfactory progress and the availability of funds.

Distribution of funds among the two categories of activities as described in the **Background section** is anticipated to be as follows:

1. SENSOR Experimentation: Between $200,000 and $600,000 will be available for SENSOR Experimentation. We intend to fund a minimum of four proposals in this category. The average award will be $50,000 for each target condition.

2. SENSOR Field-Testing: Between $400,000 and $800,000 will be available for SENOR Field-Testing. We intend to fund a minimum of eight proposals in this category. The average award will be $50,000 for each target condition.

Background

In 1987, NIOSH announced the availability of funds for a 5-year program entitled Sentinel Event Notification Systems for Occupational Risks (SENSOR) in state and territorial health departments. The purpose of the 5-year program was to pilot case-based surveillance and follow-back activities for selected occupational health conditions, with the ultimate goal of preventing occupational disease and injury.

The original SENOR model involved case ascertainment through reporting by sentinel physicians. Cases were reported to a state health department, which obtained additional information for each case, analyzed the aggregate reports, and disseminated the analyzed data. The health department, often in collaboration with other state agencies (such as state departments of labor or state OSHA programs), conducted prevention-oriented follow-up activities involving follow-back to the reported case, co-workers of the reported case, and the workplace of the reported case. Thus the prevention-oriented intervention primarily involved a specific workplace. In addition, information on the aggregate case reports and educational material concerning the target condition were disseminated to the medical community. Over the past 5 years, 10 states have received SENSOR funding for experimental case-based occupational health surveillance activities. The target conditions have included elevated blood lead, carpal tunnel syndrome, pesticide poisoning, occupational lung diseases (silicosis, occupational asthma and hypersensitivity pneumonitis, pneumoconiosis), and work-related burns.

In the course of SENSOR's first five years, an elaboration of the original model has evolved. Case ascertainment methods, other than or in addition to physician reporting—such as reporting by hospitals and laboratories, hospital discharge data, and death certificates—have been demonstrated to be useful and feasible. Intervention strategies other than, or in addition to intervention at a particular worksite—such as hazard alerts, large-scale education efforts, and the use of hazard surveillance to target groups of workplaces analogous to those identified through cases—have been demonstrated to be feasible and effective. It has become clear that no single intervention model for workplace intervention is appropriate for all target conditions or for all state health departments.

The objective of the SENSOR cooperative agreements program is to build upon the states' experience of the

past 5 years by funding three types of surveillance activities:

1. *SENSOR Experimentation:* The purpose of this experimentation effort is to support the initial design of state-based surveillance systems. Experimental program may include target conditions and/or surveillance methodologies not currently funded by SENSOR, as well as current SENSOR experiments not deemed ready for inclusion in the field-testing category. These SENSOR experiments should utilize case ascertainment methods appropriate to the target condition and should link these case ascertainment methods to an appropriate intervention. The ability of the experimental surveillance system to yield representative or generalizable data useful for estimating incidence or prevalence rates for the target condition should be considered in the experimental design. All intervention activities should have the broad objective of preventing occupational disease and injury. The appropriate intervention for any given experiment will depend on the target condition, the available personnel and resources, and the unique characteristics of the state.

2. *SENSOR Field-Testing:* The purpose of this effort is to field-test feasible and effective surveillance approaches developed in SENSOR experimental programs. Surveillance strategies currently ready for field-testing are:

a. Hospital reporting of work-related burns; and

b. Silicosis surveillance utilizing each of three sources of case ascertainment: Physician reporting, hospital discharge data, and death certificates. Workers' compensation records should also be utilized if available.

c. Physician reporting of occupational asthma.

3. *SENSOR Implementation—Blood Lead Surveillance:* The purpose of this effort is to encourage universal implemenation of surveillance strategies which have been widely field-tested and have been judged by SENSOR staff to be feasible and useful. Surveillance of elevated blood lead in adults based on mandatory laboratory reporting of elevated blood lead levels is the only target condition currently recommended for implementation in all States and territories. This category is addressed in a separate Request for Assistance Announcement.

Purpose

The underlying goal of SENSOR is the prevention of occupational disease and injury. The specific objectives of these cooperative agreements are:

1. To support the development, implementation, and evaluation of experimental state-based surveillance strategies utilizing new SENSOR target conditions and/or new or as-yet-unevaluated methodologies (SENSOR Experimentation);

2. To support the field-testing of state-based surveillance strategies previously developed in SENSOR experimental program (SENSOR Field-Testing);

3. To support the implementation of occupational health surveillance activities of proven effectiveness in as many States and territories as possible (SENSOR Implementation);

4. To encourage systematic evaluation of ongoing State-based surveillance activities;

5. To support the development and evaluation of information dissemination and intervention strategies that result in the prevention of occupational disease and injury;

6. To explore the utility of case-based surveillance systems in providing estimates of incidence and/or prevalence rates of selected occupational disorders;

7. To enhance the role of state and territorial health departments in surveillance and prevention of occupationally-related morbidity and mortality; and

8. To foster cooperation among State and territorial health departments and other State governmental agencies with interest and expertise relevant to occupational health surveillance, intervention, and prevention activities.

Program Requirements

For both types of SENSOR surveillance activities, cooperative agreement recipients shall be responsible for conducting activities under A., below and CDC will be responsible for conducting activities under B., below:

A. Recipient Activities

1. Develop in collaboration with NIOSH a surveillance plan for the target occupationally-related condition(s) which includes:

a. Delineating a case definition for each target surveillance condition;

b. Developing case ascertainment systems appropriate for the target surveillance condition(s) and available resources. These may include:

(1) Direct physician, laboratory, or hospital reports of disease and injury;

(2) Hospital discharge data;

(3) Death certificates;

(4) Workers' compensation data;

(5) State or Federal disability data

(6) Poison control center reports; and

(7) Other.

c. Gathering additional data as necessary to adequately characterize the reported cases. Sources of this additional data may include:

(1) Reporting physician, hospital, or laboratory;

(2) Reported individual or family member;

(3) Workplace of reported individual;

(4) Co-workers of reported individual; and

(5) Other.

d. Establishing a case and data management system;

e. Developing case follow-up and intervention methods aimed toward immediate and/or long-term prevention of the condition(s) under surveillance, such as:

(1) Hazard alerts, or other publications with wide distribution to relevant unions, trade organizations, media, public health agencies, and other groups with responsibilities for or interest in occupational safety and health;

(2) Educational efforts aimed toward physicians, other health care professionals, individual or groups of workers, individual workplaces, employer and trade organizations;

(3) Workplace walk-through visits, with recommendations regarding hazard abatement;

(4) Screening of co-workers of affected individuals;

(5) Referral to regulatory agencies; and

(6) Coordinating with NIOSH in conducting in-depth investigations or development of control technology.

Research investigations, such as detailed case-control, cohort, or cross-sectional medical studies, while important for prevention efforts, should be funded through mechanisms other than the SENSOR cooperative agreements.

f. Timely data analysis to ascertain trends and patterns of public health importance and provide guidance for intervention efforts; and;

g. Developing means of dissemination of surveillance information that will contribute to occupational disease and injury prevention. This includes (but is not limited to) sharing material developed under this cooperative agreement with other states through the NIOSH SENSOR information clearinghouse, and preparation for publication of one report per year for each target condition.

2. Ensure that surveillance protocols provide confidentiality and job protection for reported individuals;

3. Provide information necessary for evaluating the usefulness and efficacy of the surveillance and intervention efforts;

4. Develop a timetable for development and implementation of the proposed surveillance activity; and

5. In collaboration with NIOSH, work to standardize protocols, data management systems, questionnaires, and other surveillance-related material with other states conducting surveillance for the same target condition.

B. CDC Activities

1. Provide guidance and technical assistance in all phases of development, implementation, analysis, and evaluation of case ascertainment, follow-up, and intervention activities;

2. Provide technical assistance in identifying the most appropriate target surveillance conditions and the most effective surveillance strategies;

3. Provide technical assistance for in-depth investigations and development of control technology;

4. Provide periodic summaries and analysis of aggregate surveillance data from SENSOR states;

5. Maintain a central clearinghouse of surveillance-related materials for use by the states;

6. Facilitate communication and coordination among the states with regard to data collection and analysis, information development and dissemination, intervention strategies, and evaluation of surveillance activities;

7. Convene an annual meeting of SENSOR states, as well as periodic meetings of states with similar target surveillance conditions;

8. Providing editorial assistance in preparation of reports for publication in MMWR.

Evaluation Criteria

Each target condition within each application will be evaluated, scored and ranked separately according to the following criteria:

Sensor Experimentation

A. Technical Merit (75 points)

1. Relevance of the proposal to the objectives outlined in the Program Announcement (10 points);

2. Ability of the proposed activity to contribute to prevention of occupational disease and injury (20 points);

3. Appropriate selection and/or design of target conditions, case definitions, case identification methods, data analysis and information dissemination, case follow-up, and intervention activities (20 points);

4. Provision for maintaining confidentiality of individual case reports and sensitivity to protecting the employment status of reported cases (5 points);

5. Feasibility of providing information needed for the evaluation of this project (5 points);

6. Adequacy of the proposed schedule and personnel for accomplishing the proposed activities (15 points).

B. Background, Experience, and Capability (20 points)

1. Applicant's previous involvement in the design, implementation, and evaluation of occupational health surveillance activities, including SENSOR (10 points);

2. Training, experience, and competence of the proposed Project Director and staff in the design, implementation, and evaluation of occupational health surveillance activities (5 points);

3. Availability of sufficient support staff to carry out this project (5 points).

C. State Commitment (5 points)

The willingness of the applicant to commit additional funds and/or staff time (5 points).

D. Budget Justification and Adequacy of Facilities (not scored)

The proposed budget will be evaluated on the basis of its reasonableness, concise and clear justification, and consistency with the intended use of cooperative agreement funds. The application will also be reviewed as to the adequacy of existing and proposed facilities and resources for conducting project activities.

Sensor Field-Testing

Applications for field-testing of surveillance strategies for work-related burns, silicosis, and occupational asthma will be reviewed and evaluated according to the following criteria:

A. Technical Merit (75 points)

1. Relevance of the proposal to the objectives outlined in the Program Announcement (10 points);

2. Appropriate use and/or adaptation of the SENSOR surveillance guidelines for the selected target condition(s) (40 points). (To obtain guidelines, see below under Where to Obtain Additional Information);

3. Provision for maintaining confidentiality of individual case reports and sensitivity to protecting the employment status of reported cases (5 points);

4. Feasibility of providing information needed for the evaluation of this project (5 points);

5. Adequacy of the proposed schedule and personnel for accomplishing the proposed activities (15 points).

B. Background, Experience, and Capability (15 points);

1. Applicant's previous involvement in the design, implementation, and evaluation of public health surveillance and epidemiology activities (5 points);

2. Training, experience, and competence of the proposed project director and staff in the design, implementation, and evaluation of public health surveillance and epidemiology activities (5 points);

3. Availability of sufficient support staff to carry out this project (5 points).

C. State Commitment (10 points)

1. State agency commitment to development of occupational health surveillance activities (5 points);

2. The willingness of the applicant to commit additional funds and/or staff time (5 points).

D. Budget Justification and Adequacy of Facilities (not scored)

The proposed budget will be evaluated on the basis of its reasonableness, concise and clear justification, and consistency with the intended use of cooperative agreement funds. The application will also be reviewed as to the adequacy of existing and proposed facilities and resources for conducting project activities.

Funding Priorities

For SENSOR Experimentation, NIOSH intends when possible to distribute awards among the following 10 areas of leading work-related diseases and injuries in the U.S.: (1) Occupational lung diseases; (2) musculoskeletal injuries; (3) severe occupational traumatic injuries; (4) noise-induced hearing loss; (5) neurotoxic disorders; (6) dermatologic conditions, (7) psychological disorders; (8) disorders of reproduction; (9) cardiovascular disease; and (10) occupational cancers.

Other Requirements

• Paperwork Reduction Act: The projects to be funded through this cooperative agreement that involve the collection of information from ten or more individuals may be subject to review under the Paperwork Reduction Act.

• Human Subjects and Confidentiality: Individual state projects may include research on human subjects, including access to personal identifiers to link relevant data sets. Therefore, applicants must comply with

appropriate regulations regarding the protection of human subjects. Assurances must be provided that the project or activity will be subject to initial and continuing review by an appropriate institutional review committee. The applicant will be responsible for providing evidence of this assurance in accordance with the appropriate guidelines and forms provided in the application kit.

Executive Order 12372

Applications are subject to the Intergovernmental Review of Federal Programs as governed by Executive Order 12372. Executive Order 12372 sets up a system for state and local government review of proposed federal assistance applications. Applicants (other than federally-recognized Indian tribal governments) should contact their state Single Point of Contacts (SPOCs) as early as possible to alert them to the prospective applications on the state process. For proposed projects serving more than one state, the applicant is advised to contact the SPOC of each affected state. A current list is included in the application kit. If SPOCs have any state process recommendations on applications submitted to CDC, they should forward them to Henry S. Casell, III, Grants Management Officer, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control, 255 East Paces Ferry Road NE., Atlanta, Georgia 30305, no later than 60 days after the deadline date for new and competing awards. The granting agency does not guarantee to accommodate or explain state process recommendations it receives after that date.

Catalog of Federal Domestic Assistance (CFDA)

The Catalog of Federal Domestic Assistance number is 93.262.

Application Submission and Deadline

The original and two copies of the application PHS Form 5161–1 must be submitted to Henry S. Cassell, III, Grants Management Officer, Grants Management Branch, Procurement and Grants Office, Centers of Disease Control, 255 East Paces Ferry Road, room 300, NE., Atlanta, Georgia 30305, on or before June 19, 1992.

1. Deadline: Applications will be considered to have met the deadline if they are either:

a. Received on or before the deadline date, or

b. Sent on or before the deadline date and received in time for submission to the review group. Applicants must request a legibly dated U.S. Postal Service postmark or obtain a legibly dated receipt from a commercial carrier or the U.S. Postal Service as proof of timely mailing.

2. Applications which do not meet the criteria in 1.a. or 1.b. above are considered late applications, and will be returned to the applicant.

Where to Obtain Additional Information

A complete program description, information on application procedures, an application package, and business management technical assistance may be obtained from Oppie Byrd, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control, Mailstop E–14, 255 East Paces Ferry Road, NE., room 300, Atlanta, Georgia 30305, (404) 842–6630.

Programmatic technical assistance, including guidelines for SENSOR field-testing target conditions and for laboratory-based surveillance of elevated blood lead, may be obtained from Diana L. Ordin, M.D., M.P.H., Deputy Associate Director for Surveillance, Division of Surveillance, Hazard Evaluation and Field Studies, National Institute for Occupational Safety and Health, 4676 Columbia Parkway, Mailstop R–41, Cincinnati, Ohio 45226, (513) 841–4340.

Please Refer to Announcement Number 225 When Requesting Information and Submitting an Application

Potential applicants may obtain a copy of Healthy People 2000 (Full Report, Stock No. 017–001–00474–0) or Healthy People 2000 (Summary Report, Stock No. 017–001–00473–1) through the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402–9325, (Telephone (202) 783–3238).

Dated: May 6, 1992.

J. Donald Millar,

Director, National Institute for Occupational Safety and Health, Centers for Disease Control.

[FR Doc. 92–11032 Filed 5–11–92; 8:45 am]

BILLING CODE 4160–19–M

Food and Drug Administration

[Docket No. 92N–0207]

Drug Export; HIVID™ (Zalcitabine) Tablets 0.375 and 0.750 mg

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Roche Pharmaceuticals has filed an application requesting approval for the export of the human drug HIVID™ (zalcitabine) Tablets 0.375 and 0.750 mg to Sweden.

ADDRESSES: Relevant information on this application may be directed to the Dockets Management Branch (HFA–305), Food and Drug Administration, room 1–23, 12420 Parklawn Dr., Rockville, MD 20857, and to the contact person identified below. Any future inquiries concerning the export of human drugs under the Drug Export Amendments Act of 1986 should also be directed to the contact person.

FOR FURTHER INFORMATION CONTACT: James E. Hamilton, Division of Drug Labeling Compliance (HFD–313), Center for Drug Evaluation and Research, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–295–8073.

SUPPLEMENTARY INFORMATION: The drug export provisions in section 802 of the Federal Food, Drug and Cosmetic Act (the act) (21 U.S.C. 382) provide that FDA may approve applications for the export of drugs that are not currently approved in the United States. Section 802(b)(3)(B) of the act sets forth the requirements that must be met in an application for approval. Section 802(b)(3)(C) of the act requires that the agency review the application within 30 days of its filing to determine whether the requirements of section 802(b)(3)(B) have been satisfied. Section 802(b)(3)(A) of the act requires that the agency publish a notice in the **Federal Register** within 10 days of the filing of an application for export to facilitate public participation in its review of the application. To meet this requirement, the agency is providing notice that Roche Pharmaceuticals, 340 Kingsland St., Nutley, NJ 07110–1199, has filed an application requesting approval for the export of the human drug HIVID™ (zalcitabine) Tablets 0.375 and 0.750 mg to Sweden. This product is used as an antiviral agent. The application was received and filed in the Center for Drug Evaluation and Research on April 15, 1992, which shall be considered the filing date for purposes of the act.

Interested persons may submit relevant information on the application to the Dockets Management Branch (address above) in two copies (except that individuals may submit single copies) and identified with the docket number found in brackets in the heading of this document. These submissions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

The agency encourages any person who submits relevant information on the

application to do so by May 22, 1992, and to provide an additional copy of the submission directly to the contact person identified above, to facilitate consideration of the information during the 30-day review period.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (section 802 (21 U.S.C. 382)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Center for Drug Evaluation and Research (21 CFR 5.44).

Dated: May 4, 1992.

Daniel L. Michels,

Director, Office of Compliance, Center for Drug Evaluation and Research.

[FR Doc. 92-11001 Filed 5-11-92; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 92N-0208]

Drug Export; Adenoscan® (Adenosine) Injection 30 ml

AGENCY: Food and Drug Administration, HHS

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Medco Research, Inc., has filed an application requesting approval for the export of the human drug Adenoscan® (adenosine) Injection 30 ml to Canada.

ADDRESSES: Relevant information on this application may be directed to the Dockets Management Branch (HFA-305), Food and Drug Administration, room 1-23, 12420 Parklawn Dr., Rockville, MD 20857, and to the contact person identified below. Any future inquiries concerning the export of human drugs under the Drug Export Amendments Act of 1986 should also be directed to the contact person.

FOR FURTHER INFORMATION CONTACT: James E. Hamilton, Division of Drug Labeling Compliance (HFD-313), Center for Drug Evaluation and Research, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-295-8073.

SUPPLEMENTARY INFORMATION: The drug export provisions in section 802 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 382) provide that FDA may approve applications for the export of drugs that are not currently approved in the United States. Section 802(b)(3)(B) of the act sets forth the requirements that must be met in an application for approval. Section 802(b)(3)(C) of the act requires that the agency review the application within 30 days of its filing to determine whether the requirements of section 802(b)(3)(B) have been satisfied. Section 802(b)(3)(A) of the act requires that the agency publish a notice in the **Federal Register** within 10 days of the filing of an application for export to facilitate public participation in its review of the application. To meet this requirement, the agency is providing notice that Medco Research, Inc., 8455 Beverly Blvd., suite 308, Los Angeles, CA 90048, has filed an application requesting approval for the export of the human drug Adenoscan® (adenosine) Injection 30 ml to Canada. Intravenous adenosine is a potent coronary vasodilator indicated as an alternative to exercise in myocardial perfusion imaging, especially in patients unable to exercise adequately. The application was received and filed in the Center for Drug Evaluation and Research on April 14, 1992, which shall be considered for filing date for purposes of the act.

Interested persons may submit relevant information on the application to the Dockets Management Branch (address above) in two copies (except that individuals may submit single copies) and identified with the docket number found in brackets in the heading of this document. These submissions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

The agency encourages any person who submits relevant information on the application to do so by May 22, 1992 and to provide an additional copy of the submission directly to the contact person identified above, to facilitate consideration of the information during the 30-day review period.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (section 802 (21 U.S.C. 382)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Center for Drug Evaluation and Research (21 CFR 5.44).

Dated: May 4, 1992.

Daniel L. Michels,

Director, Office of Compliance, Center for Drug Evaluation and Research.

[FR Doc. 92-11002 Filed 5-11-92; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 92N-0209]

Drug Export; Pronestyl® (Procainamide Hydrochloride) Capsules

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Bristol-Myers Squibb Co. has filed an application requesting approval for the export of the human drug Pronestyl® (procainamide hydrochloride) capsules to Canada.

ADDRESSES: Relevant information on this application may be directed to the Dockets Management Branch (HFA-305), Food and Drug Administration, rm. 1-23, 12420 Parklawn Dr., Rockville, MD 20857, and to the contact person identified below. Any future inquiries concerning the export of human drugs under the Drug Export Amendments Act of 1986 should also be directed to the contact person.

FOR FURTHER INFORMATION CONTACT: James E. Hamilton, Division of Drug Labeling Compliance (HFD-313), Center for Drug Evaluation and Research, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-295-8073.

SUPPLEMENTARY INFORMATION: The drug export provisions in section 802 of the Federal Food, Drug and Cosmetic Act (the act) (21 U.S.C. 382) provide that FDA may approve applications for the export of drugs that are not currently approved in the United States. Section 820(b)(3)(B) of the act sets forth the requirements that must be met in an application for approval. Section 820(b)(3)(C) of the act requires that the agency review the application within 30 days of its filing to determine whether the requirements of section 802(b)(3)(B) have been satisfied. Section 802(b)(3)(A) of the act requires that the agency publish a notice in the **Federal Register** within 30 days of the filing of an application for export to facilitate public participation in its review of the application. To meet this requirement, the agency is providing notice that Bristol-Myers Squibb Co., P.O. Box 4000, Princeton, NJ 08543-4000, has filed an application requesting approval for the export of the human drug Pronestyl® (procainamide hydrochloride) Capsules to Canada. While Pronestyl® capsules are approved for sale in the United States, in these dosage forms, the Pronesty® capsules to be exported will be produced at an alternate manufacturing site within the United States for which approval is pending. This product is used as an antiarrhythmic agent. The application was received and filed in the Center for Drug Evaluation and Research on March 30, 1992, which shall be considered the filing date for purposes of the act.

Interested persons may submit relevant information on the application to the Dockets Management Branch (address above) in two copies (except that individuals may submit single copies) and identified with the docket

number found in brackets in the heading of this document. These submissions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

The agency encourages any person who submits relevant information on the application to do so by May 22, 1992, and to provide an additional copy of the submission directly to the contact person identified above, to facilitate consideration of the information during the 30-day review period.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (section 802 (21 U.S.C. 382)) and under authority delegated to the Commission of Food and Drugs (21 CFR 5.10) and redelegated to the Center for Drug Evaluation and Research (21 CFR 5.44).

Dated: May 4, 1992.

Daniel L. Michels,

Director, Office of Compliance, Center for Drug Evaluation and Research.

[FR Doc. 92-11003 Filed 5-11-92; 8:45 a.m.]

BILLING CODE 4160-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WO-230-00-6310-02]

Information Collection Submitted to the Office of Management and Budget for Review Under the Paperwork Reduction Act

The proposal for the collection of information below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35). Copies of the proposed information collection requirement and related forms and explanatory material may be obtained by contacting the Bureau's Clearance Officer at the phone number listed below. Comments and suggestions on the requirement should be made directly to the Bureau Clearance Officer and the Office of Management and Budget, Paperwork Reduction Project (1004-0146), Washington, DC 20503, Telephone 202-395-7340.

Title: Log Scale and Disposition of Timber Removed Report.

OMB Approval Number: 1004-0146.

Abstract: The respondent provides identifying information, date, log scale, and names of processors timber is delivered to for all timber removed from the contract area. The BLM uses the information to determine compliance with the export provisions of the timber sale contract and to administer the Small Business Set-aside program.

Bureau Form Number: 5460-15.

Frequency: On Occasion.

Description of Respondents: Firms purchasing BLM timber.

Estimated Completion Time: 30 Minutes.

Annual Responses: 300.

Annual Burden Hours: 150.

Bureau Clearance Officer (Alternate): Gerri Jenkins 202-653-6105.

Dated: April 9, 1992.

Kemp Conn,

Acting Assistant Director, Land and Renewable Resource.

[FR Doc. 92-11125 Filed 5-11-92; 8:45 am]

BILLING CODE 4310-84-M

Mulligan Draw Gas Field Gas Project

[WY-030-92-4111-16]

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability of the Draft Environment Impact Statement on the Mulligan Draw Gas Field Project in southeast Sweetwater County, Wyoming.

SUMMARY: This DEIS was prepared to assess the environmental consequences of a proposed gas field development in the Mulligan Draw Area, in southeastern Sweetwater County, Wyoming in accordance with the National Environmental Policy Act of 1969. This project, as proposed by Celsius Energy Company, Amoco, and other operators, is to explore for and develop natural gas reserves in the Mulligan Draw Project Area.

DATES: The public comment period will begin on May 15, 1992 and will end on July 15, 1992. A public meeting has been scheduled for June 3, 1992, beginning at 7 p.m. at the Great Divide Resource Area Office, 812 E. Murray, Rawlins, Wyoming. To ensure that comments will be considered in the FEIS, they should be received no later than c.o.b. July 15, 1992 at the address listed below.

ADDRESSES: Comments or concerns should be addressed to Bureau of Land Management, Great Divide Resource Area, c/o Bud Holbrook, P.O. Box 670, Rawlins, Wyoming 82301.

FOR FURTHER INFORMATION CONTACT: Bob Tigner, phone (307) 324-7171, or Bud Holbrook, phone (307) 324-4841 or contact the address listed above.

SUPPLEMENTARY INFORMATION: This Draft Environmental Impact Statement assesses the environmental consequences of gas development in the Mulligan Draw area in southeastern Sweetwater County, approximately 20 miles south of Wamsutter, Wyoming. The proposed project entails the drilling, operation, abandonment, and reclamation of a natural gas field in the Mulligan Draw Project Area by Celsius Energy Company and other operators. Approximately 45 wells and associated roads and pipelines would result in the initial disturbance of approximately 645 acres within the 47,300 acre Mulligan Draw Project Area.

Dated: May 5, 1992.

F. William Eikenberry,

Associate State Director.

[FR Doc. 92-11029 Filed 5-11-92; 8:45 am]

BILLING CODE 4310-22-M

[AZ 050-02-4212-11; AZA 26581]

Arizona: Realty Action; Classification of Public Land for Lease and/or Conveyance for Recreation and Public Purposes in La Paz Co., AZ.

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action, classification of public lands for lease and/or conveyance for recreation and public purposes.

SUMMARY: The following public lands near the Parker South Townsite, La Paz County, Arizona, have been examined and found suitable for classification for lease or conveyance for recreational or public purposes under the provisions of the Recreation and Public Purposes Act, as amended (43 U.S.C. 869 et seq.):

Gila and Salt River Meridian, Arizona

T. 8 N., R. 19 W.
Sec. 15, SE¼SE¼;
Sec. 21, lot 1, E½, E½NW¼, SW¼NW¼, SW¼;
Sec. 22, N½NE¼, N½N½NW¼, SW¼ SW¼, SE¼SE¼;
Sec. 27, NW¼NW¼, E½SE¼;
Sec. 28, NE¼NE¼.

The areas described contain 1,038.07 acres, more or less.

DATES: For a period of 45 days from the date of publication of this notice, interested persons may submit comments regarding the proposed lease/conveyance or classification of the lands to the District Manager at the address under the ADDRESSES caption of this notice. Any adverse comments will be reviewed by the State Director. In the absence of any adverse comments, the classification will become effective 60 days from the date of publication of this notice.

Upon the effective date of classification, the lands will be open to the filing of an application under the Recreation and Public Purposes Act by

any interested, qualified applicant. If, after 18 months following the effective date of classification, an application has not been filed, the segregative effect of the classification shall automatically expire and the lands classified shall return to their former status without further action by the authorized officer.

ADDRESSES: Interested persons may submit comments regarding the proposed lease or conveyance or classification of the lands to the District Manager, Bureau of Land Management, Yuma District Office, 3150 Winsor Avenue, Yuma, Arizona 85365.

FOR FURTHER INFORMATION CONTACT: Levi Deike, Resource Area Manager, Bureau of Land Management, Havasu Resource Area, 3189 Sweetwater Avenue, Lake Havasu City, Arizona 86403, (602) 855–8017.

SUPPLEMENTARY INFORMATION: This action is a motion by the Bureau to make lands available to support community expansion. These lands were identified in the Yuma District Resource Management Plan as having potential for disposal to support community expansion. Lease or conveyance of the lands for recreational or public purpose use would be in the public interest.

Lease or conveyance of the lands will be subject to the following terms, conditions, and reservations:

1. Provisions of the Recreation and Public Purposes Act and to all applicable regulations of the Secretary of the Interior.

2. All valid existing rights documented on the official public land records at the time of lease/patent issuance.

3. All minerals shall be reserved to the United States, together with the right to prospect for, mine, and remove the minerals.

4. Any other reservations that the authorized officer determines appropriate to ensure public access and proper management of Federal lands and interests therein.

Upon publication of this notice in the **Federal Register**, the lands will be segregated from all forms of appropriation under the public land laws, including the general mining laws, except for lease or conveyance under the Recreation and Public Purposes Act and leasing under the mineral leasing laws.

Dated: April 30, 1992.

Herman L. Kast,

District Manager.

[FR Doc. 92–11038 Filed 5–11–92; 8:45 am]

BILLING CODE 4310–32–M

Bureau of Reclamation

The 17 Western States: AZ, CA, CO, ID, KS, MT, NE, NV, ND, NM, OK, OR, SD, TX, UT, WA, and WY

AGENCY: Bureau of Reclamation (Interior).

ACTION: Notice of intent.

SUMMARY: The Bureau of Reclamation will prepare an environmental impact statement (EIS) on the effects of the proposed regulations to implement the Reclamation Reform Act of 1982 (RRA). These regulations would affect Bureau of Reclamation Projects in the seventeen Western States: Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming. The EIS is being prepared in accordance with court orders dated July 26, 1991, and March 10, 1992, by the United States District Court for the Eastern District of California.

FOR FURTHER INFORMATION CONTACT: Mr. Terry Lynott, Director, Program Services Division, Bureau of Reclamation, Denver Office, P.O. Box 25007, Denver CO 80225.

SUPPLEMENTARY INFORMATION: On July 26, 1991, the United States District Court for the Eastern District of California granted the Natural Resources Defense Council's (NRDC) partial motion for summary judgment (*NRDC* v. *Duvall, No. Civ. S–88–375 LKK*). The court ruled that the Bureau of Reclamation had not complied with the requirements of the National Environmental Policy Act in preparing an environmental assessment and a "Finding of No Significant Impact" in the promulgation of its 1987 regulations for the RRA (43 CFR part 426, Rules and Regulations for Projects Governed by Federal Reclamation Law). After the briefing on the issue of relief, on March 10, 1992, the court issued an order declaring that:

1. The issuance of the 1987 Acreage Limitation Rules and Regulations was a major federal action affecting the quality of the environment, thus requiring the preparation of an environmental impact statement (EIS), and that not preparing an EIS had violated the Administrative Procedure Act;

2. Within 30½ months, Reclamation must issue final rules, including the preparation of an EIS that would apply to all Reclamation projects;

3. Within 15 months, Reclamation must issue interim rules to implement the RRA in the Central Valley Project of California including the preparation of an EIS;

4. Reclamation must meet a court ordered schedule of compliance; and

5. The existing rules will remain in effect until new rules are prepared.

The Bureau of Reclamation is issuing a separate notice of intent to prepare an EIS for the CVP interim rule making discussed under item 3. above.

The public will be given the opportunity to participate in determining the scope of issues to be addressed and identifying the significant issues related to the proposed action at meetings to be held in the project area. Dates and locations will be provided in a subsequent **Federal Register** Notice. You may contact the Director, Program Services Division at the address provided above or by calling (303) 236–3286 to be placed on the mailing list for the subsequent information.

Dated: May 6, 1992

Joe D. Hall,

Deputy Commissioner.

[FR Doc. 92–11030 Filed 5–11–92; 8:45 am]

BILLING CODE 4310–09–M

Central Valley Project, California

AGENCY: Bureau of Reclamation (Interior).

ACTION: Notice of intent.

SUMMARY: The Bureau of Reclamation proposes to prepare an environmental impact statement (EIS) on interim regulations to implement the Reclamation Reform Act (RRA) of 1982 in California's Central Valley Project (CVP). The EIS is being prepared in accordance with orders dated July 26, 1991, and March 10, 1992, of the United States District Court for the Eastern District of California.

FOR FURTHER INFORMATION CONTACT: Terry Lynott, Director, Program Service Division, Bureau of Reclamation, Denver Office, PO Box 25007, Denver CO 80225.

SUPPLEMENTARY INFORMATION: On July 26, 1991, the United States District Court for the Eastern District of California granted the Natural Resources Defense Council's (NRDC) partial motion for summary judgment (*NRDC* v. *Duvall, No. Civ. S–88–375 LKK*). The court ruled that the Bureau of Reclamation had not complied with the requirements of the National Environmental Policy Act in preparing an environmental assessment with a "finding of no significant impact" in the promulgation of its 1987 regulations for the RRA (43 CFR part 426, Rules and Regulations for Projects Governed by Federal Reclamation Law). After the briefing on the issue of relief,

on March 10, 1992, the court issued an order declaring that:

1. The issuance of the 1987 Acreage Limitation Rules and Regulations was a major Federal action affecting the quality of the environment, thus requiring the preparation of an environmental impact statement, and that not preparing an EIS had violated the Administrative Procedure Act;

2. Within 30½ months, Reclamation must issue final rules to implement the RRA, including the preparation of an EIS that would apply to all Reclamation projects;

3. Within 15 months, Reclamation must issue interim rules to implement the RRA in the Central Valley Project of California, including the preparation of an EIS;

4. Reclamation must meet a court ordered schedule of compliance;

5. The existing rules will remain in effect until new rules are prepared.

The Bureau of Reclamation is issuing a separate notice of intent to prepare an EIS for the Westwide rule making discussed under item (2) above.

The public will be given the opportunity to participate in determining the scope of issues to be addressed and identifying the significant issues related to the proposed action at meetings to be held in the project area. Dates and locations will be provided in a subsequent Federal Register Notice. You may contact the Director, Program Services Division at the address provided above or by calling (303) 236-3286 to be placed on the mailing list for the subsequent information.

Dated: May 6, 1992.

Joe D. Hall,

Deputy Commissioner.

[FR Doc. 92-11031 Filed 5-11-92; 8:45 am]

BILLING CODE 4310-09-M

Quarterly Status Tabulation of Water Service and Repayment Contract Negotiations

AGENCY: Bureau of Reclamation (Reclamation), Department of the Interior.

ACTION: Notice.

SUMMARY: Notice is hereby given of proposed contractual actions pending through June 1992. This notice is one of a variety of means being used to inform the public about proposed contractual actions for water service and repayment. The Reclamation announcements of individual repayment and water service contract actions will be published in the **Federal Register** and in newspapers of general circulation in the areas determined by Reclamation to be affected by the proposed action. Announcements may be in the form of news releases, legal notices, official letters, memorandums, or other forms of written material. Meetings, workshops, and/or hearings may also be used, as appropriate, to provide local publicity. These public participation procedures do not apply to proposed contracts for the sale of surplus or interim irrigation water for a term of 1 year or less. The Secretary of the Interior or the district may invite the public to observe any contract proceedings. All public participation procedures will be coordinated with those involved in complying with the National Environmental Policy Act.

ADDRESSES: The identity of the approving officer and other information pertaining to a specific contract proposal may be obtained by calling or writing the appropriate regional office at the address and telephone number given for each region in the supplementary information.

FOR FURTHER INFORMATION CONTACT: Dick L. Porter, Chief, Contracts and Repayment Division, bureau of Reclamation, 1849 C St. NW., Washington, DC 20240; telephone (202) 208-3014, [FTS] 268-3014.

SUPPLEMENTARY INFORMATION: Pursuant to section 226 of the Reclamation Reform Act of 1982 (96 Stat. 1273), and to 43 CFR 426.20 of the rules and regulations published in the **Federal Register** 48 FR 54785 of December 6, 1983, Reclamation will publish notice of proposed or amendatory repayment contract actions for any contract for the delivery of water for irrigation or other uses in newspapers of general circulation in the affected area at least 60 days prior to contract execution. Pursuant to the "Final Revised Public Participation Procedures" for water service and repayment contract negotiations, published in the **Federal Register** 47 FR 7763 of February 22, 1982, a tabulation is provided below of all proposed contractual actions in each of the five Reclamation regions. Each proposed action listed is, or is expected to be, in some stage of the contract negotiation process during April, May, or June of 1992. When contract negotiations are completed, and prior to execution, each proposed contract form must be approved by the Secretary, or pursuant to delegated or redelegated authority, the Commissioner of Reclamation or one of the Regional Directors. In some instances, congressional review and approval of a report, water rate, or other terms and conditions of the contract may be involved.

Public Participation Procedures

1. Only persons authorized to act on behalf of the contracting entities may negotiate the terms and conditions of a specific contract proposal.

2. Advance notice of meetings or hearings will be furnished to those parties that have made a timely written request for such notice to the appropriate regional or project office of Reclamation.

3. Written correspondence regarding proposed contracts may be made available to the general public pursuant to the terms and procedures of the Freedom of Information Act (80 stat. 383), as amended.

4. Written comments on a proposed contract or contract action must be submitted to the appropriate Reclamation officials at the locations and within the time limits set forth in the advance public notices.

5. All written comments received and testimony presented at any public hearings will be reviewed and summarized by the appropriate regional office for use by the contract approving authority.

6. Copies of specific proposed contracts may be obtained from the appropriate Regional Director or his designated public contact as they become available for review and comment.

7. In the event modifications are made in the form of a proposed contract, the appropriate Regional Director shall determine whether republication of the notice and/or extension of the comment period is necessary.

Factors which shall be considered in making such a determination shall include, but are not limited to: (i) The significance of the modification, and (ii) the degree of public interest which has been expressed over the course of the negotiations. As a minimum, the Regional Director shall furnish revised contracts to all parties who requested the contract in response to the initial public notice.

Acronym Definitions Used Herein

(FR) Federal Register
(ID) Irrigation District
(IDD) Irrigation and Drainage District
(M&I) Municipal and Industrial
(D&MC) Drainage and Minor Construction
(R&B) Rehabilitation and Betterment
(O&M) Operation and Maintenance
(CAP) Central Arizona Project
(CUP) Central Utah Project
(CVP) Central Valley Project

(P–SMBP) Pick-Sloan Missouri Basin Program
(CRSP) Colorado River Storage Project
(SRPA) Small Reclamation Projects Act
(BCP) Boulder Canyon Project
(WCUA) Water Conservation and Utilization Act

Pacific Northwest Region: Bureau of Reclamation, 550 West Fort Street, Box 043, Boise, Idaho 83724–0043, telephone (208) 334–1894.

1. Cascade Reservoir Water Users, Boise Project, Idaho: Repayment contracts for irrigation and M&I water; 19,201 acre-feet of stored water in Cascade Reservoir.

2. Individual Irrigators, M&I, and Miscellaneous Water Users, Idaho, Montana, Oregon, and Washington: Temporary (interim) water service contracts for surplus project water for irrigation or M&I use to provide up to 10,000 acre-feet of water annually for terms up to 5 years; long-term contracts for similar service for up to 1,000 acre-feet of water annually.

3. Rogue River Basin Water Users, Rogue River Basin Project, Oregon: Water service contracts; $5 per acre-foot or $50 minimum per annum for terms up to 40 years.

4. Willamette Basin Water Users, Willamette Basin Project Oregon: Water service contracts; $1.50 per acre-foot or $50 minimum per annum for terms up to 40 years.

5. Irrigation Districts and Similar Water User Entities: Amendatory repayment and water service contracts; purpose is to conform to the Reclamation Reform Act of 1982 (P.L. 97–293).

6. Forth-four Palisades Reservoir Shareholders, Minidoka Project, Idaho-Wyoming: Contract amendments to extend term for which contract water may be subleased to other parties.

7. City of Cle Elum, Yakima Project, Washington: Amendatory or replacement M&I water service contract; 2,200 acre-feet (1,350 gallons per minute) annually for a term of up to 40 years.

8. Baker Valley Irrigation District, Baker Project, Oregon: Irrigation water service contract on a surplus interruptible basis to serve up to 13,000 acres; sale of excess capacity in Mason Reservoir (Phillips Lake) for a term of up to 40 years.

9. Crooked River Project, Oregon: Irrigation repayment or water service contracts with several individuals, with the Ochoco Irrigation District, and with North Unit Irrigation District for a total of up to 25,000 acre-feet of storage space in Prineville Reservoir (Arthur R. Bowman Dam).

10. Palisades Water Users Inc., Minidoka-Palisades Project, Idaho: Repayment contract for additional 500 acre-feet of storage space in Palisades Reservoir.

11. Willow Creek Water Users, Willow Creek Project, Oregon: Repayment or water service contracts for a total of up to 3,500 acre-feet of storage space in Willow Creek Reservoir.

12. Five Project Spaceholders, Minidoka-Palisades Project, Idaho-Wyoming: Contract amendments to provide for rental of water to third parties.

13. Bridgeport Irrigation District, Bridgeport, Washington: Warren Act contract for the use of an irrigation outlet in Chief Joseph Dam.

14. Hermiston Irrigation District, Umatilla Project, Oregon: Repayment contract for reimbursable cost of dam safety repairs to Cold Springs Dam.

15. Ochoco Irrigation District and Various Individual Spaceholders, Crooked River Project, Oregon: Repayment contract for reimbursable cost of dam safety repairs to Arthur R. Bowman Dam and Ochoco Dams.

16. The Dalles Irrigation District, The Dalles Project, Oregon: SRPA loan repayment contract; $2,000,000 proposed loan obligation.

17. Oroville-Tonasket Irrigation District, Chief Joseph Dam Project, Washington: SRPA loan repayment contract; $661,500 proposed loan obligation.

18. State of Idaho, Payette Division of the Boise Project, Idaho: Proposed repayment contracts with the State of Idaho for the sale of uncontracted space in Cascade and Deadwood Reservoirs.

19. Sidney Irrigation Cooperative, Willamette Basin Project, Oregon: Irrigation water service contract for approximately 2,300 acre-feet; $1.50 per acre-foot for a term of up to 40 years.

20. P.P.R.T. Water System, Inc., Idaho: Amendatory contract to defer the 1990 and 1991 construction installments of a contract for a loan to construct facilities authorized pursuant to the Emergency Drought Act of 1977.

21. Douglas County, Oregon: SRPA loan repayment contract; proposed loan obligation of $20,715,760 and grant of $9,228,380.

22. Othello School District, Columbia Basin Project, Washington: Municipal water service contract for lawn watering; 30 acre-feet annually for a 10-year period.

23. Mitigation, Inc., Palisades/Ririe Projects, Idaho: Contract for storage space in Palisades and Ririe Reservoirs (18,900 and 80,500 acre-feet, respectively) pursuant to section 5(a) of the Fort Hall Indian Water Rights Act of 1990.

24. Trinity Springs Ltd., Boise Project, Idaho: Industrial water service contract for the purchase of 800 acre-feet of storage space annually in Anderson Ranch Reservoir for a 40-year period; water to be used in commercial production of bottled mineral water.

25. United States Fish and Wildlife Service, Boise Project, Idaho: Irrigation water service contract for the purchase of approximately 200 acre-feet of storage space annually in Anderson Ranch Reservoir for a 40-year period; water to be used on crops for wildlife mitigation purposes.

26. City of Madras, Deschutes Project, Oregon: Renewal of municipal water service contract for approximately 125 acre-feet per acre annually from the project water supply for a 40-year period; water to be used for lawn watering.

Mid-Pacific Region: Bureau of Reclamation, 2800 Cottage Way, Sacramento, California 95825–1898, telephone (916) 978–5030.

1. Tuolumne Regional Water District, CVP, California: Water service contract for up to 9,000 acre-feet from New Melones Reservoir.

2. Individual irrigators, M&I and miscellaneous water users, California, Oregon, and Nevada: Temporary (interim) water service contracts for available project water for irrigation, M&I or fish and wildlife purposes providing up to 10,000 acre-feet of water annually for terms up to 5 years; temporary Warren Act contracts for use of project facilities for terms up to 1 year; long-term contracts for similar service for up to 1,000 acre-feet annually.

Note: Copies of the standard form of temporary water service contract for the various types of service are available, upon written request, from the Regional Director at the address shown above.

3. Friant Division Contractors, CVP, California: Renewal of existing long-term water service contracts with contractors on the Friant-Kern and Madera Canals, or diverters from Millerton Reservoir; most contracts expire 1992–1997, two contracts expire later; water quantities in existing contracts range from 1,200 to 175,440 acre-feet.

4. ID's and similar water user entities: Amendatory repayment and water service contracts; purpose is to conform to the Reclamation Reform Act of 1982 (Pub. L. 97–293).

5. Madera ID, Madera Canal, CVP, California: Warren Act contract to convey and/or store nonproject water.

6. Shasta Dam Area Public Utilities District, CVP, California: Renewal/ Increase of M&I water supply contract; less than 6,000 acre-feet.

7. U.S. Fish and Wildlife Service, CVP, California: Long-term contract for water supply for Federal refuges in the CVP service area.

8. North Kern Water Storage District, Buena Vista Water Storage District, Tulare Lake Basin Water Storage District, and Hacienda Water District, Kern River Project, California: Amendatory contract to provide storage space for M&I water.

9. Contra Costa Water District, CVP, California: Amendatory water service contract to add the operation of the Los Vaqueros Project, including an additional point of delivery; the amendment will also conform the contract to current Reclamation policies, including the water ratesetting policy.

10. San Juan Suburban Water District, CVP, California: Amend Contract No. 14–06–0200–152A to provide for the right to renew and the current CVP water rates to conform the contract with the provisions of Section 105 and 106 of P.L. 99–546.

11. Centerville Community Services District, CVP, California: Water service contract for up to 800 acre-feet of M&I water annually.

12. Shasta County Water Agency, CVP, California: Amendatory water service contract to provide for reduction in annual entitlement of 800 acre-feet.

13. Mid-Pacific Region, California, Oregon, and Nevada: Amendatory contracts to include the renewal provision of the Act of July 2, 1956 (70 stat. 483) and/or the Act of June 21, 1963 (77 stat. 68) in existing water service contracts.

14. California Department of Corrections, CVP, California: Water service for up to 1,000 acre-feet of water annually to serve the Sierra Conservation Center (a State prison) near Jamestown, California.

15. Redwood Valley Water District, SRPA, California: Amendatory loan repayment contract.

16. Placer County Water Agency, CVP, California: Amend Contract No. 14–06–200–5082A to provide for the current CVP water rates.

17. Sutter Butte Mutual Water Company, CVP, California: Water service contract for a long-term supplemental water supply to provide Company's water users an alternate water supply during periods of deficiency in their appropriative water rights; annual water quantity not determined at this time.

18. Butte Slough Irrigation Company, CVP, California: Water service contract for a long-term supplemental water supply to provide Company's water users an alternate water supply during periods of deficiency in their appropriative water rights; annual water quantity not determined at this time.

19. Lindsay-Strathmore ID, Friant-Kern Canal, CVP, California: Warren Act contract to convey and/or store nonproject water.

20. Madera ID, Hidden Unit, CVP, California: Renewal of existing water service contract for 24,000 acre-feet of water which expires February 28, 1993.

21. Chowchilla WD, Buchanan Unit, CVP, California: Renewal of existing water service contract for 24,000 acre-feet of water which expires February 28, 1993.

22. Truckee Carson Irrigation District, Newlands Project, Nevada: Warren Act contract to convey and/or store nonproject water in Project facilities.

23. Truckee Carson Irrigation District, Newlands Project, Nevada: Contract for repayment of construction costs of Newlands Project.

24. Santa Barbara County Water Agency, Cachuma Project, California: Repayment contract for reimbursement of funds expended under the Emergency Fund Act for continuation of water service.

25. San Luis Water District, CVP, California: Amendatory water service contract to provide that the District pay full O&M rate for all deliveries resulting from the Azhderian Pumping Plant enlargement and the cost of service rate for such deliveries beginning in 1996 and each year thereafter.

26. United Water Conservation District, SRPA, California: Amendatory loan repayment contract.

27. Carmichael Irrigation District, CVP, California: Water service contract for a long-term supplemental water supply to provide District's water users an alternate water supply during periods of deficiency in their appropriative water rights; annual water quantity not determined at this time.

28. Delta Mendota Canal Contractors, CVP, California: Renewal of existing long-term water service contracts with numerous contractors on the Delta-Mendota Canal whose contracts expire in 1994–2003; water quantities in existing contracts range from 70 to 50,000 acre-feet.

29. City of Reading, CVP, California: Amendment to Contract No. 14–06–200–5272A to add point of diversion on turnout, Spring Creek Power Conduit, to facilitate proposed water treatment plant for Buckeye service area.

30. United States Department of Veterans Affairs, CVP, California: Contract for M&I water purposes in support of the new San Joaquin Valley National Cemetery near Santa Nella, California.

31. Century Ranch Water Company, Inc., CVP, California: Long-term exchange contract for M&I, less than 100 acre-feet; Stony Creek Watershed above Black Butte Dam.

32. State of California, Department of Forestry, CVP, California: Water right exchange agreement, less than 100 acre-feet; above Black Butte Dam.

33. San Luis Water District, CVP, California: Amendment to Contract No. 14–06–200–7773A to transfer lands and allocated share of CVP water supply to San Luis Water District from Romero Water District.

34. Romero Water District, CVP, California: Amendment to Contract No. 14–06–200–7758 to transfer lands and allocated share of CVP water supply to San Luis Water District.

35. ID's and similar water user entities: Amendatory water service contracts to change the definition of "year."

36. Sacramento River water rights settlement contractors, CVP, California: Contract amendment for assignment under voluntary land ownership transfers to provide for the current CVP water rates and update standard contract articles.

37. City of Tracy, CVP, California: Amend water service Contract No. 14–06–200–7858A to reallocate up to 13,300 acre-feet from Mercy Springs, WD, Contract No. 14–06–200–3365A, to City of Tracy and terminate the Mercy Springs WD contract.

38. Sierra Pacific Power Company and Pyramid Lake Tribe, Washoe and Truckee-Storage Projects, Nevada and California; Interim contract to convey and/or store non-project water.

39. Naval Air Station and Truckee Carson ID, Newlands Project, Nevada; Amend water service agreement No. 14–06–400–1024 for the use of project water on Naval Air Station land.

40. Del Puerto WD, CVP, California; Amend water service contract No. 14–06–200–922 to include M&I use.

Lower Colorado Region: Bureau of Reclamation, P.O. Box 61470 (Nevada Highway and Park Street), Boulder City, Nevada 89006–1470, telephone (702) 293–8536.

1. Agricultural and M&I water users, CAP, Arizona: Water service subcontracts for percentages of available supply for irrigation entities and up to 640,000 acre-feet per year for M&I use.

2. Southern Arizona Water Rights Settlement Act: Sale of up to 28,200 acre-

feet per year of municipal effluent to the City of Tucson, Arizona.

3. BCP, Arizona: Contracts with individual users for 9,522 acre-feet per year of Colorado River water for agricultural use in Arizona as recommended by the state of Arizona for lands irrigated from 1958 to 1968 along the Colorado River.

4. Contracts, as recommended by Arizona Department of Water Resources, with agricultural entities located near the Colorado River, BCP, Arizona: Water service contracts for up to an additional 20,424 acre-feet per year total.

5. State of Arizona, BCP, Arizona: Contract for 6,292 acre-feet per year of Colorado River water for agricultural use and related purposes on State-owned lands.

6. Gila River Indian Community, CAP, Arizona: Water service contract for delivery of up to 173,100 acre-feet per year.

7. Irrigation districts and similar water user entities: Amendatory repayment and water service contracts; purpose is to conform to the Reclamation Reform Act of 1982 (Public Law 97–293).

8. Indian and non-Indian agricultural and M&I water users, CAP, Arizona: New and amendatory contracts for repayment of Federal expenditures for construction of distribution systems.

9. Imperial Irrigation District and/or the Coachella Valley Water District, California: Contract providing for exchange of up to 10,000 acre-feet of water per year from a well field to be constructed adjacent to the All-American Canal for an equivalent quantity and quality of Colorado River water and for O&M of the well field, Lower Colorado Water Supply Project, California.

10. Lower Colorado Water Supply Project, California: Water service and repayment contracts with nonagricultural users in California adjacent to the Colorado River for an aggregate consumptive use of up to 10,000 acre-feet of Colorado River water per year in exchange for an equivalent amount of water to be pumped into the All-American Canal from a well field to be constructed adjacent to the canal.

11. County of San Bernardino, SRPA, California: Repayment contract for a $29.6 million loan.

12. Tohono O'odham Nation, SRPA, Arizona: Repayment contract for a $7.3 million loan for the Schuk Toak District.

13. BCP, Arizona: Contracts for additional allocations of Colorado River water to entities located along the Colorado River in Arizona for up to 15,116 acre-feet per year as recommended by the Airzona Department of Water Resources.

14. National Park Service for Lake Mead National Recreation Area, Supreme Court Decree in *Arizona* v. *California*, and BCP in Arizona and Nevada: Memorandum of Understanding for delivery of Colorado River water for its Federal Establishment present perfected right of 500 acre-feet of diversions annually, and the Federal Establishments' perfected right pursuant to Executive Order No. 5125 (April 25, 1930).

15. The Imperial Irrigation District or Metropolitan Water District of Southern California, California: Construction and funding contract to conserve water along a portion of the All-American Canal in accordance with Title II All-American Canal Lining Act dated January 25, 1988.

16. Elsinore Valley Municipal Water District, SRPA, California: Repayment contract for a $22.3 million loan.

17. Cibola Valley Irrigation and Drainage District and Mohave Valley Irrigation and Drainage District, BCP, Arizona: Amendments of current contracts for additional Colorado River water service areas, diversion points, and other minor changes.

18. Miscellaneous present perfected rights holders, BCP, Arizona and California: Contracts for entitlements of Colorado River water as decreed by the U.S. Supreme Court in *Arizona* v. *California*, as supplemented or amended and as required by section 5 of the BCP.

19. Federal Establishment present perfected rights holders: Individual contracts for administration of Colorado River water entitlements of the Colorado River, Fort Mojave, Quechan, and Cocopah Indian Tribes.

20. Yuma County Water Users' Association, Yuma Project, Arizona: Contract to enable the Association to administer non-irrigation water within its service area.

21. Wellton-Mohawk Division, Arizona: Contract with Wellton-Mohawk Irrigation and Drainage District for 8,000–10,000 acre-feet per year of Colorado River water currently contracted for but not being used, as recommended by the Arizona Department of Water Resources.

22. BCP, California: Temporary contract with the Metropolitan Water District of Southern California, Palo Verde Irrigation District, Imperial Irrigation District, and Coachella Valley Water District to store approximately 200,000 acre-feet of irrigation water saved by land fallowing over a two-year period.

Upper Colorado Region: Bureau of Reclamation P.O. Box 11568, (125 South State Street), Salt Lake City, Utah 84147, telephone (801) 524–5435.

1. Individual irrigators, M&I, and miscellaneous water users, Utah, Wyoming, Colorado, and New Mexico: Temporary (interim) water service contracts for surplus project water for irrigation or M&I use to provide up to 10,000 acre-feet of water annually for terms up to 5 years; long-term contracts for similar service for up to 1,000 acre-feet of water annually.

(a) The Benevolent and Protective Order of the Elks, Lodge No. 1747, Farmington, New Mexico: Navajo Reservior water service contract; 20 acre-feet per year for municipal use; contract term for 40 years from execution.

2. South Ute Indian Tribe, Animas-La Plata Project, Colorado: Repayment contract for 26,500 acre-feet per year for M&I use and 2,600 acre-feet per year for irrigation use in Phase One and 700 acre-feet in Phase Two; contract terms to be consistent with binding cost sharing agreement and water rights settlement agreement.

3. Ute Mountain Ute Tribe, Animas-La Plata Project, Colorado and New Mexico: Repayment contract; 6,000 acre-feet per year for M&I use in Colorado; 26,400 acre-feet per year for irrigation use in Colorado; 900 acre-feet per year for irrigation use in New Mexico; contract terms to be consistent with binding cost sharing agreement and water rights settlement agreement.

4. Navajo Indian Tribe, Animas-La Plata Project, New Mexico: Repayment contract for 7,600 acre-feet per year for M&I use.

5. La Plata Conservancy District, Animas-La Plata Project, New Mexico: Repayment contract for 9,900 acre-feet per year for irrigation use.

6. Uintah Water Conservancy District, Jensen Unit, CUP, Utah: Amendatory repayment contract to reduce M&I water supply and corresponding repayment obligation.

7. Vermejo Conservancy District, Vermejo Project, New Mexico: Amendatory contract to relieve the district of further repayment obligation, presently exceeding $2 million, pursuant to P.L. 96–550.

8. Weber Basin Water Conservancy District, Weber Basin Project, Utah: Repayment contract for R&B work of selected project facilities.

9. San Juan Pueblo, San Juan-Chama Project, New Mexico: Repayment contract for up to 5,165 acre-feet of project water for irrigation purposes.

10. City of El Paso, Rio Grande Project, Texas and New Mexico: Amendment to the 1941 and 1962

contracts to expand acreage owned by the City to 3,000 acres; expand terms of water rights assignments from 25 years to 75 years; and allow assignments outside City limits under authority of the Public Service Board.

11. Mancos Water Conservancy District, Mancos Project, Colorado: Amendatory WCUA contract to remove contract restrictions that prevent the Mancos Water Conservancy District from developing hydropower on the Mancos Project.

12. James A. and Sandra J. Stratman, Blue Mesa Reservoir, Wayne N. Aspinall Unit, CRSP, Colorado: Water service contract for domestic use of 1 acre-foot for 40 years.

13. Unitah Water Conservancy District, Vernal Unit, CUP, Utah: Repayment contract under safety of dams program for the repair of Steinaker Dam.

14. The National Park Service, Bureau of Land Management, Colorado Water Conservation Board, Wayne N. Aspinall Unit, CRSP, Colorado: Contract for between 180,000 to 740,000 acre-feet of project water to provide specific river flow patterns in the Gunnison River through the Black Canyon of the Gunnison National Monument.

15. Upper Gunnison River Water Conservancy District, Wayne N. Aspinall Unit, CRSP, Colorado: Water service contract for 500 acre-feet for 1-year for municipal and domestic use.

16. Upper Gunnison River Water Conservancy District, Wayne N. Aspinall Unit, CRSP, Colorado: Substitute supply plan for the administration of the Gunnison River.

17. Collbran Conservancy District, Collbran Project, Colorado: Amendatory contract defining priority of use of project water.

Geat Plains Region: Bureau of Reclamation, P.O. Box 36900, Federal Building, 316 North 26th Street, Billings, Montana 59107–6900, telephone (406) 657–6413.

1. Individual irrigators, M&I, and miscellaneous water users, Great Plains Region: Montana, Wyoming, North Dakota, South Dakota, Colorado, Kansas, Nebraska, Oklahoma, and Texas: Temporary (interim) water service contract for surplus project water for irrigation or M&I use to provide up to 10,000 acre-feet of water annually for terms up to 5-years; long-term contracts for similar service for up to 1,000 acre-feet of water annually.

2. Fort Shaw Irrigation District, Sun River Project, Montana: R&B loan repayment contract; up to $1.5 million.

3. Owl Creek Irrigation District, Owl Creek Unit, P–SMBP, Wyoming: Amendatory water service contract to reflect reduced water supply benefits being received from Anchor Reservoir.

4. Green Mountain Reservoir, Colorado-Big Thompson Project, Colorado: Water service contracts; contract negotiations for sale of water from the marketable yield to water users within the Colorado River Basin of Western Colorado.

5. Ruedi Reservoir, Fryingpan-Arkansas Project, Colorado: Water service contracts; proposed second round contract negotiations for sale of agricultural, municipal, domestic, and industrial water from the regulatory capacity of Ruedi Reservoir.

6. Cedar Bluff Irrigation District No. 6, Cedar Bluff Unit, P-SMBP, Kansas: Contingent upon passage of authorizing legislation, terminate the Cedar Bluff Irrigation District's repayment contract; use of the District's portion of the reservoir storage capacity will be sold to the Sate of Kansas for fish, wildlife, recreation, and other purposes.

7. Frenchman Valley Irrigation District, Frenchman Unit, P-SMBP, Nebraska: Contingent upon passage of authorizing legislation, renegotiate District's existing contract to reduce payments based on payment ability and reduced water supply.

8. Garrison Diversion Unit, P-SMBP, North Dakota: Renegotiation of the master repayment contract with Garrison Diversion Conservancy District to conform with the Garrison Diversion Unit Reformulation Act of 1986; negotiation of repayment contracts with irrigators and M&I users.

9. Corn Creek Irrigation District, Glendo Unit, P-SMBP, Wyoming: Repayment contract for 10,350 acre-feet of supplemental irrigation water from Glendo Reservoir.

10. East Bench Irrigation District, East Bench Unit, P-SMBP, Montana: D&MC contract for $300,000 for minor construction work over a 10-year period.

11. Glen Elder Irrigation District, Glen Elder Unit, P-SMBP, Kansas: Negotiations for a long-term contract for agricultural water service from Waconda Lake.

12. Foss Reservoir Master Conservancy District, Washita Basin Project, Oklahoma: Amendatory repayment contract for remedial work.

13. Arbuckle Master Conservancy District, Arbuckle Project, Oklahoma: Contract for the repayment of costs of the construction of the Sulphur, Oklahoma, pipeline and pumping plant (if constructed).

14. Sargent Irrigation District, Middle Loup Division, P-SMBP, Nebraska: R&B loan repayment contract not to exceed $2,475,000.

15. Chinook Water Users Association, Milk River Project, Montana: SRPA contract for loan of up to $6,000,000 for improvements to the Association's water conveyance system.

16. Heart River Unit, Dickinson Subunit, P-SMBP, North Dakota: Renegotiate water service Contract No. 179r–1412 with the City of Dickinson; existing contract expired September 24, 1989.

17. Malta Irrigation District, Malta Division, Milk River Project, Montana: R&B contract for repayment of up to $5,600,000.

18. Midvale Irrigation District, Riverton Unit, P-SMBP, Wyoming: Long-term contract for water service from Boysen Reservoir.

19. Tom Green County Water Control and Improvement District No. 1, San Angelo Project, Texas: Contingent upon passage of authorizing legislation, negotiate amendatory contract to increase irrigable acreage within the project.

20. Palmetto Bend Project, Texas: Amendment of the tripartite contract among the United States, the Lavaca-Navidad River Authority and the Texas Water Development Board to transfer the Board's remaining repayment obligation and interest in the Palmetto Bend Project to the Authority.

21. Canadian River Municipal Water Authority, Canadian River Project, Texas: Amendatory contract to reflect credit for project lands transferred to the National Park Service under Public Law 101–628 for the Lake Meredith National Recreation Area.

22. City of Havre, Milk River Project, Montana: New long-term water service contract for up to 2,800 acre-feet annually.

23. Lakeview Irrigation District, Shoshone Project, Wyoming: New long-term water service contract for up to 3,200 acre-feet of firm water supply annually and up to 11,800 acre-feet of interim water from Buffalo Bill Reservoir.

24. Hidalgo County Irrigation District No. 6, Texas: SRPA contract for a 20-year loan for up to $5,712,900 to rehabilitate the District's irrigation facilities.

25. City of Rapid City and Rapid Valley Water Conservancy District, Rapid Valley Unit, P-SMBP, South Dakota: Contract renewal for up to 55,000 acre-feet of storage capacity in Pactola Reservoir.

26. Shoshone, Heart Mountain, Willwood, and Deaver Irrigation Districts, Shoshone Project, Wyoming: R&B contracts for loans totaling

$7,500,000 to rehabilitate project irrigation facilitiates.

27. City of Aurora, Fryingpan-Arkansas Project, Colorado: Long-term carriage contract for up to 1,000 acre-feet of conveyance capacity in the Fryingpan-Arkansas Project facilities.

28. Thirty Mile Canal Company, Nebraska: SRPA contract for a loan of $2,264,000 to reline the main canal, replace open laterals with buried pipe, and replace bridges.

29. City of Estes Park, Colorado-Big Thompson Project, Colorado: Modification of water service contract to change point of diversion and other adminisrative revisions.

30. City of Loveland, Colorado-Big Thompson Project, Colorado: Long-term conveyance contract for conveyance of up to 12,000 acre-feet of city-owned water annually through Federal project facilities.

31. Belle Fourche Irrigation District, Belle Fourche Unit, P-SMBP, South Dakota: Amendment to D&MC contract to extend work through 1995 and provide an additional $1 million to complete the work.

Dated: May 6, 1992.

J. Austin Burke,

Assistant Commissioner.

[FR Doc. 92-11043 Filed 5-11-92; 8:45 am]

BILLING CODE 4310-09-M

Minerals Management Service

Meeting of the Outer Continental Shelf Advisory Board; Atlantic OCS Region North, Mid, and South Atlantic Regional Technical Working Groups

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Atlantic OCS Regional Technical Working Groups (RTWG) meeting and plenary session.

SUMMARY: Notice of the meeting is issued in accordance with the Federal Advisory Committee Act (Pub. L. No. 92-463). The Atlantic RTWG meeting will be held June 10, 1992, at the Ramada Renaissance Hotel, 13869 Park Center Road, Herndon, Virginia. The RTWG business meeting will begin at 9 a.m. and end at 4:30 p.m. Tentative agenda is as follows:

- Outer Continental Shelf Natural Gas and Oil Resource Management Comprehensive Program 1991-1997 Proposed Final
- Miscellaneous roundtable discussion

FOR FURTHER INFORMATION CONTACT: This meeting is open to the public. A transcript and summary minutes of the meeting will be available for public inspection in the office of the Regional Director no later than 60 days after the meeting. Direct any inquiries to Amy Petrosky of the Atlantic OCS Region at (703) 787-1118. Written inquiries can be sent to the Atlantic OCS Region, Minerals Management Service, 381 Elden Street, suite 1109, Herndon, Virginia 22070-4819.

Dated: May 6, 1992.

Bruce G. Weetman,

Regional Director.

[FR Doc. 92-11067 Filed 5-11-92; 8:45 am]

BILLING CODE 4310-MR-M

National Park Service

National Register of Historic Places; Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before April 30, 1992. Pursuant to § 60.13 of 36 CFR part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, P.O. Box 37127, Washington, DC 20013-7127. Written comments should be submitted by May 27, 1992.

Carol D. Shull,

Chief of Registration, National Register.

ALABAMA

Bibb County

McKinney, Sarah Amanda Trott, House, AL 25 between Montevallo and Centreville, Six Mile, 92000626

De Kalb County

Alabama Builder's Hardware Manufacturing Company Complex (Boundary Increase), 203-204 8th St., NE., Fort Payne, 92000637

Madison County

Burritt, William, Mansion, 3101 Burritt Dr., SE., Huntsville, 92000627

Mobile County

Jossen, Joseph, House, 109 N. Conception St., Mobile, 92000628

Stewart, Amelia, House, 137 Tuscaloosa St., Mobile, 92000629

Perry County

Fairhope Plantation, US 80 1 mi. E of Uniontown city limits, Uniontown vicinity, 92000630

ALASKA

Juneau Borough-Census Area

Gruening, Ernest, Cabin, Mile 26, Glacier Hwy., NW of Juneau, Juneau vicinity, 92000633

FLORIDA

Santa Rosa County

Mt. Pilgrim African Baptist Church, Jct. of Alice and Clara Sts., Milton, 92000634

MINNESOTA

Carlton County

Cooke, Jay, State Park CCC/WPA/Rustic Style Picnic Grounds (Minnesota State Park CCC/WPA/Rustic Style MPS), Off MN 210 SE of Forbay Lake, Twin Lakes Township, Carlton vicinity, 92000640

Cooke, Jay, State Park CCC/WPA/Rustic Style Historic District (Minnesota State Park CCC/WPA/Rustic Style MPS), Off MN 210 SW of Forbay Lake, Twin Lakes Township, Carlton vicinity, 92000641

Cooke, Jay, State Park CCC/WPA/Rustic Style Service Yard (Minnesota State Park CCC/WPA/Rustic Style MPS), Off MN 210 E of Forbay Lake, Twin Lakes Township, Carlton vicinity, 92000642

Chisago County

Interstate State Park CCC/WPA/Rustic Style Campground (Minnesota State Park CCC/WPA/Rustic Style MPS), Off US 8 SW of Taylors Falls, Shafer Township, Taylors Falls vicinity, 92000639

Interstate State Park CCC/WPA/Rustic Style Historic District (Minnesota State Park CCC/WPA/Rustic Style MPS), Off US 8, SE of Taylors Falls, Shafer Township, Taylors Falls vicinity, 92000639

MISSOURI

Platte County

Scott, Charles Smith, Memorial Observatory, 8700 River Park Dr., Parkville, 92000625

NEW HAMPSHIRE

Coos County

Mt. Jasper Lithic Source, 1½ mi. NW of confluence of Dead R. and Androscoggin R., Berlin, 92000631

Merrimack County

Bear Brook State Park Civilian Conservation Corps (CCC) Camp Historic District, ½ mi. from park entrance, 160 yds. S of Allenstown—Deerfield Rd., Bear Brook State Park, Allenstown, 92000632

NEW JERSEY

Burlington County

Cinnaminson Avenue and Spring Garden Street Schools, Spring Garden St. between Cinnaminson and Parry Aves., Palmyra, 92000635

Hunterdon County

Taylor's Mill Historic District, Jct. of Taylor's Mill and Rockaway Rds., Readington Township, Oldwick vicinity, 92000636

SOUTH CAROLINA

York County

Afro—American Insurance Company Building (Rock Hill MPS), 558 S. Dave Lyle Blvd., Rock Hill, 92000651

Banks—Mack House (Fort Mill MPS), 329 Confederate St., Fort Mill, 92000643

Charlotte Avenue—Aiken Avenue Historic District (Rock Hill MPS), Roughly, Aiken Ave. From College Ave. to Charlotte Ave. and Charlotte from Aiken to Union Ave., Rock Hill, 92000659
First Presbyterian Church (Rock Hill MPS), 234 E. Main St., Rock Hill, 92000653
Fort Mill Downtown Historic District (Fort Mill MPS), Main St. from Confederate Park E to 233 Main, Fort Mill, 92000646
Hermon Presbyterian Church (Rock Hill MPS), 446 Dave Lyle Blvd., Rock Hill, 92000652
Highland Park Manufacturing Plant and Cotton Oil Complex (Rock Hill MPS), 869 Standard St., 732 and 737 E. White St., Rock Hill, 92000655
Mack—Belk House (Fort Mill MPS), 119 Banks St., Fort Mill, 92000647
Marion Street Area Historic District (Rock Hill MPS), Roughly, Marion St. from Hampton St. to Center St. and Center from State St. to Marion, Rock Hill, 92000654
Mills House (Fort Mill MPS), 122 Confederate St., Fort Mill, 92000645
Mount Prospect Baptist Church (Rock Hill MPS), 339 W. Black St., Rock Hill, 92000656
National Guard Armory (Fort Mill MPS), Jct. of Elliott and Unity Sts., Fort Mill, 92000648
Ried Street—North Confederate Avenue Area Historic District (Rock Hill MPS), Roughly, Reid St. and N. Confederate Ave. between E. Main St. and E. White St., Rock Hill, 92000657
Rock Hill Cotton Factory (Rock Hill MPS), 215 Chatham St., Rock Hill, 92000658
Thornwell—Elliott House (Fort Mill MPS), 118 Confederate St., Fort Mill, 92000644
Unity Presbyterian Church Complex (Fort Mill MPS), 303 Tom Hall St., Fort Mill, 92000649
Wilson House (Fort Mill MPS), 107 Clebourne St., Fort Mill, 92000650

[FR Doc. 92-10983 Filed 5-11-92; 8:45 am]
BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

[Docket No. AB-55 (Sub-No. 421X)]

Exemption; CSX Transportation, Inc.; Abandonment Exemption, in Lake County, MI

Applicant has filed a notice of exemption under 49 CFR 1152 subpart F—Exempt Abandonments to abandon its 0.6-mile line of railroad between mileposts CB-106.3 and CB-106.9, in Baldwin, Lake County, MI.

Applicant has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) any overhead traffic on the line can be rerouted over other lines; and (3) no formal complaint filed by a user of rail service on the line (or a State or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Commission or with any U.S. District Court or has been decided in favor of the complainant within the 2-year period. The appropriate State agency has been notified in writing at least 10 days prior to the filing of this notice.

As a condition to the use of this exemption, any employee affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Gosen*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10505(d) must be filed.

Provided no formal expressions of intent to file an offer of financial assistance has been received, this exemption will be effective on June 11, 1992 (unless stayed). Petitions to stay that do not involve environmental issues,[1] formal expressions of intent to file an offer of financial assistance under 49 CFR 1152.279(c)(2),[2] and trail use/rail banking statements under 49 CFR 1152.29 must be filed by May 22, 1992.[3] Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by June 1, 1992, with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of any petition filed with the Commission should be sent to the applicant's representative: Charles M. Rosenberger, CSX Transportation, Inc., 500 Water Street J150, Jacksonville, FL 32202.

If the notice of exemption contains false or misleading information, use of the exemption is void *ab initio*.

Applicant has filed an environmental report which addresses environmental or energy impacts, if any, from this abandonment.

The Section of Energy and Environment (SEE) will prepare an environmental assessment (EA). SEE will issue the EA by May 15, 1992. Interested persons may obtain a copy of the EA from SEE by writing to it (room 3219, Interstate Commerce Commission, Washington, DC 20423) or by calling Elaine Kaiser, Chief, SEE at (202) 927-6248. Comments on environmental and energy concerns must be filed within 15 days after the EA becomes available to the public.

Environmental, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Decided: May 1, 1992.

By the Commission, Joseph H. Dettmar, Acting Director, Office of Proceedings.

Sidney L. Strickland, Jr.,
Secretary.

[FR Doc. 92-11053 Filed 5-11-92; 8:45 am]
BILLING CODE 7035-01-M

[1] A stay will be routinely issued by the Commission in those proceedings where an informed decision on environmental issues (whether raised by a party or by the Section of Energy and Environment in its independent investigation) cannot be made prior to the effective date of the notice of exemption. See Exemption of Out-of-Service Rail Lines, 5 I.C.C.2d 377 (1989). Any entity seeking a stay involving environmental concerns is encouraged to file its request as soon as possible in order to permit this Commission to review and act on the request before the effective date of this exemption.

[2] See Exempt. of Rail Abandonment—Offers of Finan. Assist., 4 I.C.C.2d 164 (1987).

[3] The Commission will accept a late-filed trail use statement as long as it retains jurisdiction to do so.

DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-26,694, TA-W-26,695]

Black Hills Trucking, Inc.; Revised Determination on Reconsideration

On April 15, 1992, the Department issued an Affirmative Determination Regarding Application for Reconsideration for workers and former workers of Black Hills Trucking, Inc., in Watford City, North Dakota and Williston, North Dakota. The notice was published in the Federal Register on April 23, 1992 (57 FR 14851).

The Department's denial was based on the fact that Black Hills Trucking performs a service and as such do not produce an article within the meaning of section 223(3) of the Trade Act.

On reconsideration, however, new information was obtained showing a substantial portion of the activities of Black Hills Trucking at Watford City and Williston are identified as production of crude oil. Revenues derived from production declined in 1991 compared to 1990.

Significant worker separations occurred at Watford City and Williston, North Dakota in December 1991. U.S. imports of crude oil increased absolutely in the fourth quarter of 1991 compared to the same quarter in 1990.

Conclusion

After careful consideration of the new facts obtained on reconsideration, it is concluded that Black Hills Trucking, Inc., workers were adversely affected by increased imports of articles like or directly competitive with crude oil produced at Black Hills Trucking in Watford City, North Dakota and Williston, North Dakota. In accordance with the provisions of the Act, I make

the following revised certification for the Black Hills Trucking workers in Watford City, North Dakota and Williston, North Dakota.

All workers of Black Hills Trucking, Inc., Watford City, North Dakota and Williston, North Dakota who became totally or partially separated from employment on or after October 1, 1991 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, DC, this 1st day of May 1992.

Stephen A. Wandner,

Deputy Director, Office of Legislation & Actuarial Services, Unemployment Insurance Service.

[FR Doc. 92-11103 Filed 5 11-92; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-26,648]

Marine Drilling Companies, Inc.; Amended Certification Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued a notice of certification regarding eligibility to apply for worker adjustment assistance on January 30, 1992 applicable to all workers of the Marine Drilling Companies, Inc., Sugarland, Texas. The certification notice was published in the **Federal Register** on February 14, 1992 (57 FR 5472). The notice was amended on February 27, 1992. The amendment was published in the **Federal Register** on March 6, 1992 (57 FR 8156).

At the request of the company the Department reviewed the certification for workers of the Marine Drilling Companies. The investigation findings show that some worker separations occurred immediately prior to the January 1, 1991 impact date and after the December 31, 1991 termination date. Accordingly, the Department is changing the impact date from January 1, 1991 to December 20, 1990 and deleting the termination date.

The intent of the Department's certification is to include all workers of the Marine Drilling Companies who were adversely affected by increased imports of crude oil and natural gas.

The amended notice applicable to TA-W-26,648 is hereby issued as follows:

All workers of Marine Drilling Companies, Inc., Sugarland, Texas (including offshore drilling and related workers), who became totally or partially separated from employment on or after December 20, 1990 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, DC, this 5th day of May 1992.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 92-11101 Filed 5-11-92; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-26, 686]

Martin Blouse Company, Inc.; Negative Determination on Reconsideration

On April 17, 1992, the Department issued on Affirmative Determination Regarding Application for Reconsideration for workers and former workers of the Martin Blouse Company, Inc., Shenandoah, Pennsylvania. This notice will soon be published in the **Federal Register.**

The workers produce women's blouses and sportswear.

The worker claims that inappropriate import data was used in denying the worker petition. The Department should have used imports of women's blouses not sportswear.

The Department's denial was based on the fact that the increased import criterion and the "contributed importantly" test of the Group Eligibility Requirements of the Trade Act were not met. U.S. imports of ladies' sportswear declined absolutely in the first three quarters of 1991 compared to the same period in 1990. The "contributed importantly" test is generally demonstrated through a survey of the workers' firm's customers. The Department's survey revealed that the one respondent did not import during the relevant period. A secondary survey of the customers of the manufacturer for which the subject firm performed contract work was conducted. The secondary survey revealed that none of the respondents imported while decreasing purchases from the manufacturer in the relevant period.

On reconsideration, the Department obtained additional data on the production and sales of women's blouses and skirts. These findings show that production of women's blouses and ladies' skirts declined in 1991 compared to 1990.

U.S. imports of women's and girls' blouses and shirts decreased absolutely and relative to domestic shipments in 1991 compared to 1990. The Department's survey of Martin's blouse manufacturers showed that they reported a decline in sales with either no imports or declining imports during the relevant period. A secondary survey was conducted of the retail customers of the manufacturers. That survey showed that the retail customers (1) did not import, (2) had declining imports or (3) had changes in import purchases that were in tandem with their purchases from Martin Blouse's manufacturers. Customer comments indicated that the decline in purchases from Martin stemmed from the recession, additional company owned manufacturing capacity or a shift to non-unionized domestic shops.

Conclusion

After reconsideration, I affirm the original notice of negative determination of eligibility to apply for adjustment assistance to workers and former workers of Martin Blouse Company, Shenandoah, Pennsylvania.

Signed at Washington, DC, this 5th day of May 1992.

Robert O. Deslongchamps,

Director, Office of Legislation & Actuarial Services, Unemployment Insurance Service.

[FR Doc. 92-11102 Filed 5-11-92; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-26,283]

T-M Vacuum Products, Inc.; Dismissal of Application for Reconsideration

Pursuant to 29 CFR 90.18 an application for administrative reconsideration was filed with the Director of the Office of Trade Adjustment Assistance for workers at T-M Vacuum Products, Inc., Tri-R-Tool Division, Riverton, Colorado. The review indicated that the application contained no new substantial information which would bear importantly on the Department's determination. Therefore, dismissal of the application was issued.

TAW-26,823; T-M Vacuum Products, Inc., Tri-R-Tool Division, Riverton, New Jersey (May 6, 1992)

Signed at Washington, DC this 6th day of May 1992.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 92-11100 Filed 5-11-92; 8:45 am]

BILLING CODE 4510-30-M

Employment and Training Administration

Emergency Unemployment Compensation Program; Changes in Emergency Unemployment Compensation Periods

This notice announces recent changes in benefit levels under the Emergency Unemployment Compensation Program.

Background

The Emergency Unemployment Compensation Act of 1991 was amended by Public Law 102–244 effective for weeks of unemployment beginning after February 7, 1992. Section 1 of that law amended section 102(b)(2) of Public Law 102–164 to increase weeks of benefits in States in a 13-week period to 26 weeks, and States in a 20-week period to 33 weeks. All other trigger criteria remain unchanged.

The following changes in maximum durations to which claimants are entitled have occurred in States since publication of the last notice:

March 8, 1992, Montana and Nevada increased to 33 weeks.

In addition, public law 102–164 permits the Governor of a State to elect to trigger off an Extended Benefit Period in order to provide payment of EUC benefits to individuals who have exhausted their rights to regular compensation under the State law. Since publication of the last notice, in accordance with section 101(e) of Public Law 102–164, the Governors of California, Oregon, and Rhode Island have elected to trigger off Extended Benefits and instead pay EUC benefits.

Information for Claimants

The duration of benefits payable in the Emergency Unemployment Compensation Period, and the terms and conditions on which they are payable, are governed by the Act and the operating instructions issued to the States by the U.S. Department of Labor. The State employment security agency will furnish a written notice of potential entitlement to each individual who has exhausted all rights to regular benefits and is potentially eligible for EUC benefits (20 CFR 615.13(c)).

Persons who believe they may be entitled to EUC benefits, or who wish to inquire about their rights under the program, should contact the nearest State employment service office or unemployment compensation claims office in their locality.

Signed at Washington, DC, on May 5, 1992.

Roberts T. Jones,

Assistant Secretary of Labor.

[FR Doc. 92–11106 Filed 5–11–92; 8:45 am]

BILLING CODE 4510–30–M

Federal-State Unemployment Compensation Program; New Extended Benefit Period in the State of Puerto Rico

This notice announces the beginning of a new Extended Benefit Period in the State of Puerto Rico, effective on February 9, 1992, and remaining in effect for at least 13 weeks after that date.

Background

The Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) established the Extended Benefit Program as a part of the Federal-State Unemployment Compensation Program. Under the Extended Benefit Program, individuals who have exhausted their rights to regular unemployment benefit (UI) under permanent State (and Federal) unemployment compensation laws may be eligible, during an extended benefit period, to receive up to 13 weeks of extended unemployment benefits, at the same weekly rate of benefits as previously received under the State law. The Federal-State Extended Unemployment Compensation Act is implemented by State unemployment compensation laws and by part 615 of title 20 of the Code of Federal Regulations (20 CFR part 615).

Each State unemployment compensation law provides that there is a State "on" indicator (triggering on an Extended Benefit period) for a week if the head of the State employment security agency determines that, for the period consisting of that week and the immediately preceding 12 weeks, the rate of insured unemployment in the State equaled or exceeded the State trigger rate. The Extended Benefit Period actually begins with the third week following the week for which there is an "on" indicator in the State. A benefit period will be in effect for a minimum of 13 weeks, and will end the third week after there is an "off" indicator.

Determination of an "on" Indicator

The head of the employment security agency of the State named above has determined that the rate of insured unemployment in the State for the 13-week period ending on January 25, 1992, equals or exceeds 6 percent, so that for that week there was an "on" indicator in the State.

Therefore, a new Extended Benefit Period commenced in the State with the week beginning on February 9, 1992. This period will continue for no less than 13 weeks, and until three weeks after a week in which there is an "off" indicator in the State.

Information for Claimants

The duration of extended benefits payable in the Extended Benefit Period, and the terms and conditions on which they are payable, are governed by the Act and the State unemployment compensation law. The State employment security agency will furnish a written notice of potential entitlement to extended benefits to each individual who has established a benefit year in the State that will expire after the new Extended Benefit Period begins. 20 CFR 615.13(c)(1). The State employment security agency also will provide such notice promptly to each individual who exhausts all rights under the State unemployment compensation law to regular benefits during the Extended Benefit Period. 20 CFR 615.13(c)(2).

Persons who believe they may be entitled to extended benefits in the State named above, or who wish to inquire about their rights under the Extended Benefit Program, should contact the nearest State employment service office or unemployment compensation claims office in their locality.

Signed at Washington, DC on May 5, 1992.

Roberts T. Jones,

Assistant Secretary of Labor.

[FR Doc. 92–11105 Filed 5–11–92; 8:45 am]

BILLING CODE 4510–30–M

Attestations Filed by Facilities Using Nonimmigrant Aliens As Registered Nurses

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is publishing, for public information, a list of the following health care facilities which plan on employing nonimmigrant alien nurses. These organizations have attestations on file with DOL for that purpose.

ADDRESSES: Anyone interested in inspecting or reviewing the employer's attestation may do so at the employer's place of business.

Attestations and short supporting explanatory statements are also available for inspection in the Immigration Nursing Relief Act Public Disclosure Room, U.S. Employment Service, Employment and Training Administration, Department of Labor, room N4456, 200 Constitution Avenue, NW., Washington, DC 20210.

Any complaints regarding a particular attestation or a facility's activities under that attestation, shall be filed with a local office of the Wage and Hour Division of the Employment Standards Administration, U.S. Department of Labor. The address of such offices are found in many local telephone directories, or may be obtained by writing to the Wage and Hour Division, Employment Standards Administration, Department of Labor, room S3502, 200

Constitution Avenue, NW., Washington, DC 20210.

FOR FURTHER INFORMATION CONTACT:

Regarding the Attestation Process

Chief, Division of Foreign Labor Certifications, U.S. Employment Service. Telephone: 202–535–0163 (this is not a toll-free number).

Regarding the Complaint Process

Questions regarding the complaint process for the H–1A nurse attestation program shall be made to the Chief, Farm Labor Program, Wage and Hour Division. Telephone: 202–523–7605 (this is not a toll–free number).

SUPPLEMENTARY INFORMATION: The Immigration and Nationality Act requires that a health care facility seeking to use nonimmigrant aliens as registered nurses first attest to the Department of Labor (DOL) that it is taking significant steps to develop, recruit and retain United States (U.S.) workers in the nursing profession. The law also requires that these foreign nurses will not adversely affect U.S. nurses and that the foreign nurses will be treated fairly. The facility's attestation must be on file with DOL before the Immigration and Naturalization Service will consider the facility's H–1A visa petitions for bringing nonimmigrant registered nurses to the United States. 26 U.S.C. 1101(a)(15)(H)(i)(a) and 1181(m). The regulations implementing the nursing attestation program are at 20 CFR part 655 and 29 CFR part 504, 55 FR 50500 (December 6, 1990). The Employment and Training Administration, pursuant to 20 CFR 655.310(c), is publishing the following list of facilities which have submitted attestations which have been accepted for filing.

The list of facilities is published so that U.S. registered nurses, and other persons and organizations can be aware of health care facilities that have requested foreign nurses for their staffs. If U.S. registered nurses or other persons wish to examine the attestation (on Form ETA 9029) and the supporting documentation, the facility is required to make the attestation and documentation available. Telephone numbers of the facilities' chief executive officers also are listed, to aid public inquiries. In addition, attestations and supporting short explanatory statements (but not the full supporting documentation) are available for inspection at the address for the Employment and Training Administration set forth in the **ADDRESSES** section of this notice.

If a person wishes to file a complaint regarding a particular attestation or a facility's activities under that attestation, such complaint must be filed at the address for the Wage and Hour Division of the Employment Standards Administration set forth in the **ADDRESSES** section of this notice.

Signed at Washington, DC, this 5th day of May 1992.

Robert J. Litman,

Acting Director, United States Employment Service.

Division of Foreign Labor Certifications Approved Attestations

[04/01/92 to 04/30/92]

CEO-name/facility name/address	St.	Approval date
Mr. Charles R. Shuffield, Sparks Regional Medical Ctr., 1311 South I Street, Fort Smith 72917, 501–441–4000.	AR	04/16/92
Ms. Nancy Miller, Havasu Nursing Ctr., Inc., 3576 Kearsage, Lake Hayasu City 86403, 602–453–1500.	AZ	04/09/92
Mr. William K. Picke', Memorial Hospitals Association, 1700 Coffee Road, Modesto 95355, 209–526–4500.	CA	04/03/92
Mr. Barry Weinbaum, Alvarado Hosp. Med. Ctr., 6655 Alvarado Rd., San Diego 92120, 619–229–3107.	CA	04/03/92
Mr. Jeffrey Flocken, Northridge Hosp. Med. Ctr., 18300 Roscoe Blvd., Northridge 91328, 818–885–5316.	CA	04/03/92
Mr. David Banks, Sherman Oaks Conval. Hosp., Beverly Enterprises-Calif., Inc., Sherman Oaks 91423, 818–986–7242.	CA	04/09/92
Mr. Patrick Petre, Garfield Med. Ctr., 525 N. Garfield Ave., Monterey 91754, 818–573–2222.	CA	04/09/92
Mr. David Banks, Bev. Manor Conval. Hosp.—Pa, 9541 Van Nuys Blvd., Panorama City 91402, 818–893–6385.	CA	04/09/92
George Graham, Torrance Mem. Med. Ctr., 3330 Lomita Boulevard, Torrance 90505, 310–517–4789.	CA	04/10/92
Mr. David Banks, Huntington Dr. Conval. Hosp., Beverly Enterprises-Calif. Inc., Arcadia 91106, 818–445–2421.	CA	04/10/92
Mr. David Banks, Montrose Conval. Hospital, Beverly Enterprises-Calif., Inc., Montrose 91020, 818–249–3925.	CA	04/10/92
Mr. J.E. "Ted" Stibbards PhD, Childrens Hosp. of LA, 4650 Sunset Blvd., Los Angeles 90027, 213–660–2450.	CA	04/10/92
Mr. David Banks, Beverly Manor Conval. Hosp., Beverly Enterprises-Calif., Inc., Canoga Park 91304, 818–347–3800.	CA	04/10/92
Mr. David Banks, Chowchilla Conval. Ctr., Hosp. Facilities Corp., Chowchilla 93610, 209–665–4826.	CA	04/10/92
David Banks, Edgewood Center, Beverly Enterprises-Calif., Inc., Azusa 91702, 818–334–7861.	CA	04/10/92
Mr. David Banks, Bev. Manor Conval. Hosp.—San Beverly Calif. Corp., Santa Barbara 93105, 805–682–7451.	CA	04/10/92
Mr. David Banks, Beverly Manor Westminster, Beverly Calif. Corp., Westminster 92683, 714–892–6686.	CA	04/10/92
Mr. David Banks, Oak Meadows Conval Center, Hosp. Facilities Corp., Los Gatos 95030, 408–356–9151.	CA	04/10/92
Mr. David Banks, Community Conval. Hospital, Beverly Enterprises-Calif., Inc., Lynwood 90262, 213–537–2500.	CA	04/10/92
Mr. David Banks, Country House, Beverly Enterprises-Calif., Inc., Pomona 91766, 714–642–0387.	CA	04/10/92
Mr. David Banks, Hy-Lond Home, Beverly California Corp., Garden Grove 92644, 714–531–8741.	CA	04/10/92
Mr. David Banks, Broadway Care Center, Beverly Enterprises-Calif., Inc., San Gabriel 91776, 818–285–2165.	CA	04/10/92
Mr. Timothy McGlew, Pacific Alliance Med. Ctr., 531 W. College St., Los Angeles 90012, 213–624–6811.	CA	04/10/92
Mr. David Banks, Terracina Conval. Hosp. Beverly California Corp. Redlands 92373, 714–793–2609.	CA	04/10/92
Mr. David Banks, Beverly Manor Conval. Hosp.—E Beverly Enterprises-Calif., Inc. Escondido 92025, 619–747–0430.	CA	04/10/92
Mr. David Banks, Beverly Manor Conval. Hosp. C Beverly California Corp. Costa Mesa 92627, 714–642–0387.	CA	04/10/92
Mr. David Banks, Bev. Manor Conval Hosp.—Capis., Beverly California Corp. Capistrano Beach 92624, 714–496–5786.	CA	04/10/92

DIVISION OF FOREIGN LABOR CERTIFICATIONS APPROVED ATTESTATIONS—Continued

[04/01/92 to 04/30/92]

CEO-name/facility name/address	St.	Approval date
Mr. David Banks, Bev. Manor Conval. Hosp.-Rive Beverly California Corp. Riverside 92501, 714-686-9000.	CA	04/10/92
Mr. David Banks, Bev. Manor Conval. Hosp.-La M, Beverly Enterprises-Calif., Inc., La Mesa 92041, 619-960-7871.	CA	04/10/92
Mr. David Banks, Bev. Manor Conval. Hosp.—Monr., Beverly California Corp. Monrovia 91016, 818-358-4547.	CA	04/10/92
Mr. David Banks, Bev. Manor Nurs. & Rehab. Ctr., Beverly California Corp. Van Nuys 91401, 818-988-2501.	CA	04/10/92
Mr. Armando Lopez, Jr. L.A. County-Rancho Los Amigos Med. Ctr., Harriman Bldg. Rm. 156, Downey 90242 310-940-7911.	CA	04/10/92
Mr. David Banks, Glenridge Center Beverly Enterprises—Calif., Inc. Glendale 91203, 818-246-6591.	CA	04/10/92
John Rinset, Mercy American River Hosp., Mercy Healthcare Sacramento, DBA, Carmichael 95608, 916-484-2440.	CA	04/10/92
Mr. David Banks, Terreno Grands Conval. Ctr. Hospital Facilities Corp. Los Gatos 95030, 408-356-8136.	CA	04/10/92
Mr. David Banks, Catered Manor Beverly Enterprises-Calif., Inc. Long Beach 90807, 213-426-0394.	CA	04/10/92
Mr. David Banks, Beverly La Cumbre Conval. Hosp. Beverly California Corporation Santa Barbara 93110, 805-687-6651.	CA	04/10/92
Mr. Bernard Matias Primerica Nur. Home Care Ser. 2156 Rounds Street Delano 93215 805-725-1223.		
Mr. David Banks, Bev. Manor Conval. Hosp.—La Beverly California Corp. Laguna Hills 92653, 714-837-8000.	CA	04/10/92
Mr. Louis Rubino, PhD, Hollywood Community Hosp., 6245 DeLongpre Avenue, Los Angeles 90028, 213-462-2271.	CA	04/16/92
Mr. William Nicely, St. Mary Medical Center 1050 Linden Avenue, Long Beach 90813, 310-491-9800.	CA	04/16/92
Mr. Stan B. Berry Hanford Community Med. Ctr., 450 Greenfield Avenue, Hanford 93230, 209-582-9000.	CA	04/16/92
Barbara M. Yorobe, M.D., Health Power, Inc. 10850 Baroque Lane Ste. B, San Diego, 92126, 619-560-1638.	CA	04/16/92
Mr. George Rooth, Memorial Hospital of Gardena, 1134 West Redondo Beach Blvd. Gardena, 90247, 310-532-4200.	CA	04/16/92
Mr. David Banks, London House Conval. Hosp., Beverly California Corp., Santa Rosa 95405, 707-546-0471.	CA	04/21/92
Mr. David Banks, San Jose Care and Guidance Ct., Beverly California Corp., San Jose 95127, 408-923-7232.	CA	04/21/92
Mr. David Banks, San Luis Convalescent Hosp., Beverly Enterprises—Calif., Inc., Newman 95360, 209-862-2862.	CA	04/21/92
Mr. David Banks, Hy-Lond Convalescent Hosp., Beverly California Corp., Sacramento 95841, 916-481-7434.	CA	04/21/92
Mr. David Banks, Shafter Convalescent Hospital, Beverly California Corp., Shafter 93263, 805-746-3912.	CA	04/21/92
Mr. David Banks, Modesto Convalescent Hosp., Beverly California Corp., Modesto 95350, 209-529-0516.	CA	04/21/92
Mr. David Banks, Julia Convalescent Hosp., Beverly Enterprises, Calif., Mountain View 94043, 415-967-5714.	CA	04/21/92
Mr. David Banks, Westgate Manor Convalescent H., Beverly Enterprises—Calif., Inc., Madera 93637, 209-673-9278.	CA	04/21/92
Mr. David Banks, Selma Convalescent Hospital, Beverly California Corp., Selma 93662, 209-896-4990.	CA	04/21/92
Mr. David Banks, Westgate Convalescent Ctr., Beverly California Corp., San Jose 95129, 408-253-7502.	CA	04/21/92
Mr. David Banks, Fairmont Rehabilitation Hosp., Beverly Enterprises—Calif., Inc., Lodi 95240, 209-368-0693.	CA	04/21/92
Mr. David Banks, Bev. Manor Conval. Hosp. — Re, Beverly Enterprises—Calif., Inc., Redding 96001, 916-241-6756.	CA	04/21/92
Mr. David Banks, Beverly Manor—Santa Clara, Beverly California Corp., Santa Clara 95050, 408-988-7666.	CA	04/21/92
Mr. David Banks, Beverly Manor Conval. Hosp., Beverly Enterprises—Calif., Inc., San Francisco 94117, 415-563-0565.	CA	04/21/92
Mr. David Banks, Franciscan Convalescent Hosp., Beverly Enterprises—Calif., Inc., Merced 95340, 209-722-6231.	CA	04/21/92
Mr. David Banks, Beverly Manor of Petaluma, Beverly California Corp., Petaluma 94952, 707-763-4109.	CA	04/21/92
Mr. David Banks, Reedley Convalescent Hosp., Beverly California Corp., Reedley 93654, 209-638-3578.	CA	04/21/92
Mr. David Banks, Hy-Lond Convalescent Hosp., Beverly California Corp., Merced 95340, 209-723-1056.	CA	04/21/92
Mr. David Banks, Sierra Vista Nursing & Rehab,. Beverly California Corp., Napa 94558, 707-255-6060.	CA	04/21/92
Mr. David Banks, Sanger Convalescent Hosp., Beverly California Corp., Sanger 93657, 209-875-6501.	CA	04/21/92
Mr. David Banks, London House Conval. Hosp., Beverly California Corp., Sonoma 95476, 707-938-1096.	CA	04/23/92
Mr. David Banks, Royal Oaks Conval. Hosp., Beverly California Corp., Galt 95632, 209-745-1537.	CA	04/23/92
David Banks, Valley Care and Guidance Ctr., Beverly California Corp., Fresno 93706, 209-834-5351.	CA	04/23/92
Mr. David Banks, Fowler Convalescent Hosp., Beverly California Corp., Fowler 93625, 209-834-2542.	CA	04/23/92
Mr. David Banks, Bev. Manor Conval. Hosp.—Ba, Beverly California Corp., Bakersfield 93301, 805-323-2694.	CA	04/23/92
Mr. David Banks, Hy-Long Conval. Hosp.—Sunny, Beverly California Corp., Sunnyvale 94087, 408-738-4880.	CA	04/23/92
Mr. David Banks, Chateau Convalescent Hosp., Beverly California Corp., Stockton 95207, 209-477-2664.	CA	04/23/92

DIVISION OF FOREIGN LABOR CERTIFICATIONS APPROVED ATTESTATIONS—Continued

[04/01/92 to 04/30/92]

CEO-name/facility name/address	St.	Approval date
Ms. Lelia C. Knox, Visalia Convalescent Hospital, 1925 E. Houston Ave., Visalia 93291, 209-732-6661.	CA	04/23/92
Mr. David Banks, Stockton Convalescent Hospital, 2740 North California Street, Stockton 95204, 209-466-3522.	CA	04/23/92
Mr. David Banks, Hy-Pana House Conval. Hosp., Beverly Calif. Corp., Fresno 93726, 209-222-4807.	CA	04/23/92
Mr. David Banks, Hy-Lond Conval. Hosp., Beverly California Corp., Fresno 93726, 209-227-4063.	CA	04/23/92
Mr. David Banks, Hillcrest Convalescent Hosp., Beverly California Corp., Fresno 93726, 209-227-5383.	CA	04/23/92
Mr. David Banks, Hy-Pana House Conval. Hosp.-S, 4520 North El Dorado Avenue, Stockton 95207, 209-477-0271.	CA	04/23/92
Mr. David Banks, Country View Convalescent Hosp., Beverly California Corp., Fresno 93706, 209-275-4785.	CA	04/23/92
Mr. Kenneth K. Hahn, CIGNA Hospital of Los Angeles, 1711 West Temple Street, Los Angeles 90026, 213-484-3504.	CA	04/23/92
Ms. Janet Parodi, Long Beach Community Hosp., 1720 Termino Ave., Long Beach 90804, 310-498-1000.	CA	04/23/92
Mr. David Banks, Clovis Conval. Hosp., Bev. California Corp., Clovis 93612, 209-299-2591.	CA	04/23/92
Mr. David Banks, Beverly Manor Conval. Hosp., Beverly California Corp., Yreka 96097, 916-842-4361.	CA	04/23/92
Mr. David Banks, Bev. Manor Conval. Hosp.—Ch, Beverly Enterprises, Calif., Inc., Chico 95926, 916-343-6084.	CA	04/23/92
Mr. K. E. Blake, Beverly Hospital, 309 W. Beverly Blvd., Montebello 90640, 213-889-2417.	CA	04/23/92
Mr. David Banks, Raintree Convalescent Hosp., Beverly California Corp., Fresno 93727, 209-251-8244.	CA	04/23/92
Mr. David Banks, Hy-Lond Conval. Hosp.—Modes, Beverly California Corp., Modesto 95350, 209-526-1776.	CA	04/23/92
Mr. David Banks, Beverly Manor Conval. Hosp.—F, Beverly enterprises—Calif., Inc., Fresno 93721, 209-486-4433.	CA	04/23/92
Mr. Steven Galper, Berkley East Conval. Hosp., Arizona 21st Corp.—dba, Santa Monica 90404, 310-829-5377.	CA	04/24/92
Mr. W.A. Buckendorf, RADM,MC,USN, Naval Hospital, Oakland, 8750 Mountain Blvd., Oakland 94627, 510-633-5001.	CA	04/25/92
Mr. John H. Tobin, Waterbury Hosp. Health Ctr., 64 Robbins Street, Waterbury 06721, 203-573-7198.	CT	04/03/92
Mr. Stephen Lazovitz, Washington Nursing Facility, 2425 25th Street, SE., Washington 20020, 202-889-3600.	DC	04/16/92
Mr. John Gregg, U. Medical Center, Inc., 655 West 8th Street, Jacksonville 32209, 904-350-6694.	FL	04/03/92
Mr. James S. Elmslie, MRA Staffing Systems, Inc., 7771 W. Oakland Park Blvd., Ft. Lauderdale 33351, 305-748-3300.	FL	04/03/92
Mr. A. Jason Geisinger, Carrollwood Care Center, First Healthcare Corp. d.b.a., Tampa 33625, 813-960-1969.	FL	04/09/92
Mr. Michael B. Cronin, St. Joseph Hospital, 2500 Harbour Blvd., Port Charlotte 33952, 813-625-4122.	FL	04/09/92
Mr. Carlos Milanes, Palm Springs Gen'l. Hosp., Inc., 1475 West 49th Street, Hialeah 33012, 305-558-2500.	FL	04/09/92
Ms. Carolina Calderin, Pan American Hospital, 5959 NW., 7th Street, Miami 33126, 305-264-1000.	FL	04/10/92
Mr. Edward Tudanger, Palmetto Gen'l. Hosp., 2001 West 68th Street, Hialeah 33016, 305-823-5000.	FL	04/16/92
Mr. Stephen Dexter, Humana, Hospital-Cypress, Community Hosp. of Humana Inc., Pompan 33060, 305-782-2000.	FL	04/16/92
Mr. Winston Rushing, HCA Med. Ctr. Hosp., Largo, 201 14th Street, SW., Largo 34649, 813-586-1411.	FL	04/25/92
Ms. Cora Tellez, Kaiser Foundation Hosps./ Kaiser Foundation Health Plan Inc., Honolulu 96819, 808-834-5333.	HI	04/03/92
Mr. Joseph F. Warner, Heritage Manor Nurs. & Conval. Home, Springfield 62702, 217-789-0930.	IL	04/16/92
Mr. Michael Fritz, The Carle Arbours, 302 Burwash Avenue, Savoy 61874, 217-383-3090.	IL	04/16/92
Sister M. Elizabeth, Holy Family Health Ctr., 2380 E. Dempster St., Des Plaines 60016, 708-296-3335.	IL	04/16/92
Ms. Chaya Liberman, Westwood Manor, Inc., 2444 W. Touhy, Chicago 60645, 312-274-7705.	IL	04/16/92
Mr. Joseph F. Warner, Heritage Manor Nur. & Conval, 509 N. Adelaide Street, Normal 61761, 309-452-7468.	IL	04/16/92
Mr. Maurice I. Aaron, Woodbridge Nursing Pavilion, 2242 North Kedzie Avenue, Chicago 60647, 312-486-7700.	IL	04/25/92
Mr. Ikechukwu (Ike) Iwu, Nightingales, Inc., 1060 West Hollywood Ave., IL 60660, 312-334-3303.	IL	04/25/92
Mr. John Birdzell, St. Catherine Hospital, Lakeshore Health System, East Chicago 46312, 219-392-7600.	IN	04/23/92
Ms. Jean Garten, Geary Community Hosp., 1102 St. Mary's Road, Junction City 66441, 913-238-4131.	KS	04/10/92
Mr. Fred Martinez, Jr., St. Charles Parish Hosp., P.O. Box 87, Luling 70070, 504-785-6242.	LA	04/16/92
Ms. Barbara J. Hogan, Winchester Hospital, 41 Highland Avenue, Winchester 01890, 617-729-9000.	MA	04/15/92
Ms. Linda Shyavitz, Sturdy Memorial Hospital, Inc., 211 Park Street, Attleboro 02703, 508-222-5200.	MA	04/16/92
Mr. Raymond D. Sanzone, Tewsbury Hospital, East Street, Tewksbury 01876, 508-851-7321.	MA	04/16/92
Ms. Valerie Gingras, Lenox Hill Nur. & Rehab. Care, 470 Atlantic, 7th Floor Boston 02210, 617-426-4100.	MD	04/23/92
Mr. Everard O. Rutledge, Liberty Medical Center, Inc., 2600 Liberty Heights Avenue, Baltimore 21215, 301-383-4000.	MD	04/10/92
Mr. James R. Wood, Maryland General Hosp., Inc., 827 Linden Avenue, Baltimore 21201, 410-225-8000.	MD	04/16/92

DIVISION OF FOREIGN LABOR CERTIFICATIONS APPROVED ATTESTATIONS—Continued

[04/01/92 to 04/30/92]

CEO-name/facility name/ address	St.	Approval date
Mr. Charles Housley, Mich. Osteopathic Med. Ctr., dba/ Michigan Health Ctr. Detroit 48208, 313-361-8000.	MI	04/23/92
Ms Ronnette Cox, Convalescent Ctr. of Sanford, 4000 Farrell Road, Sanford 27330, 919-775-7207.	NC	04/09/92
Mr. Len B. Preslar, Jr., North Carolina Baptist Hosps, Medical Center Boulevard, Winston-Salem 27157, 919-748-2011.	NC	04/09/92
Mr. A. Jason Geisinger, Hillhaven-LaSalle Nur. Ctr., First Healthcare Corp. d.b.a. Durham 27705, 919-383-5521.	NC	04/10/92
Mr. Bailey Winstead, United Medical Services, Inc., P.O. Box 2053, Kernersville 27285, 919-996-6086.	NC	04/23/92
Mr. Bernard Koval, Mountainside Hospital, Bay and Highland Ave., Montclair 07042, 201-429-6000.	NJ	04/03/92
Mr. John T. Gribbin, The Med. Ctr., of Ocean County, 2121 Edgewater Place, Pt. Pleasant 08742, 908-892-1100.	NJ	04/03/92
Dr. Marie D. Moore, Oakland Care Center, 20 Breakneck Rd., Oakland 07436, 201-337-3300.	NJ	04/03/92
Mr. Harvey Adelsberg, Daughters of Miriam, Ctr. for the Aged, Clifton 07015, 201-.	NJ	04/09/92
Mr. Oscar Heller, Bayview Convalescent Ctr., 395 Lakeside Boulevard Bayville 08721, 908-269-0500.	NJ	04/09/92
Mr. Michael T. Kornett, JFK Health Systems, Inc., 65 James Street, Edison, 08818, 908-321-7170.	NJ	04/10/92
Mr. Dennis Doody, The Med. Ctr. at Princeton, 253 Witherspoon Street, Princeton 08540, 609-497-4335.	NJ	04/10/92
Mr. Robert D. Donovan, Meadowlands Hosp. Med. Ctr., Meadowlands Parkway, Secaucus 07096, 201-392-3100.	NJ	04/10/92
Sr. Elizabeth Ann Maloney, St. Elizabeth Hospital, 225 Williamson Street, Elizabeth 07207, 908-527-5326.	NJ	04/10/92
Mr. Robert W. Taylor, World Health Resources, Inc., 202 22nd Avenue, Paterson 07513, 201-881-1777.	NJ	04/16/92
Mr. Victor R. Kattak, The Preakness Hospital, P.O. Box V, Paterson 07509, 201-904-5000.	NJ	04/23/92
Ms. Carmen B. Alecci, West Hudson Hospital, 206 Bergen Avenue, Kearny 07032, 201-955-7014.	NJ	04/23/92
Mr. Hugh A. Quigley, St. Mary's Hospital, 211 Pennington Ave. Passaic 07055, 201-470-3000.	NJ	04/23/92
Mr. Stephen Lazovitz, Wanaque Conval. Ctr., 1433 Ringwood Ave. Haskell 07420, 201-839-2119.	NJ	04/25/92
Mr. Spencer Foreman, Montefiore Medical Ctr., 111 E. 210th Street, Bronx 10467, 212-920-5555.	NY	04/03/92
Michael G. Guley, Our Lady of Lourdes Memorial, 169 Riverside Drive, Binghamton 13905, 607-798-5111.	NY	04/03/92
Mr. Robert G. Newman, M.D., Beth Israel Hosp. North, 170 East End Avenue, New York 10128, 212-870-9000.	NY	04/03/92
Ms. Debra A. Sabato, Cedar Manor Nursing Home, P.O. Box 928 Cedar Lane, Ossining 10562, 914-762-1600.	NY	04/03/92
Ms. Gladys George, Lenox Hill Hospital, 100 East 77th Street, New York 10021, 212-439-2010.	NY	04/03/92
Lt. Colonel Ronald Lyons, Booth Mem. Med. Ctr., 56-45 Main Street, Flushing 11355, 718-670-1231.	NY	04/03/92
Sister Helen Murphy, The New York Foundling Hosp., 590 Ave. of the Americas, New York 10011, 212-633-9300.	NY	04/09/92
Mr. Percy Allen, II, State U. of NY Health Science, Ctr. at Brooklyn Brooklyn, 11203, 718-270-1000.	NY	04/10/92
Mr. William T. Newell, The U. Hospital at Stony Brook, Health Sciences Ctr., Stony Brook 11794, 516-444-1800.	NY	04/10/92
Mr. Leon N. Cohen, LaGuardia Hospital, 102-01 66th Road, Forest Hills 11375, 718-830-4276.	NY	04/10/92
Mr. Edward Sylcox, Jr., Sylcox Nursing Home, 56 Meadow Hill Road, Newburgh 12550, 914-564-1700.	NY	04/10/92
Mr. Michael Delicce, St. Agnes Hospital, 305 North Street, White Plains 10605, 914-681-4507.	NY	04/16/92
Mr. George Adams, Lutheran Medical Center, 150 55th Street, Brooklyn 11220, 718-630-7000.	NY	04/16/92
Ms. Marilyn Lichtman, DeWitt Nursing Home, 211 East 79th Street, New York 10021, 212-879-1600.	NY	04/16/92
Mr. Keith F. Safian, Phelps Mem. Hosp. Ctr., 701 North Broadway, North Tarrytown 10591, 914-631-5100.	NY	04/23/92
Mr. Miguel Fuentes, Jr., Bronx Lebanon Hosp. Ctr., 12776 Fulton Avenue, Bronx 10456, 212-590-1800.	NY	04/25/92
Tracy E. Strevey, Jr., M.D., Nassau County Medical Center, 2201 Hempstead Turnpike, East Meadow 11554, 516-542-2301.	NY	04/25/92
Mr. Peter J. Huges, NYC Medical Center, 560 First Avenue, New York 10016, 212-263-6658.	NYC	04/25/92
Mr. Leon S. Malmud, M.D., Temple University Hospital, 3333 N. Broad Street, Phila. 19140, 215-221-2000.	PA	04/09/92
Mr. I. Donald Snook, Jr., Presbyterian Med. Ctr. of Phil. 39th and Market Streets, Philadelphia 19104, 215-662-8718.	PA	04/23/92
Mr. Richard A. Catallozzi, Roberts Health Centre, Inc., 990 Ten Rod Road, N. Kingstown 02852, 401-884-6661.	RI	04/03/92
Mr. William L. Ivey, Richland Memorial Hospital, Five Richland Med. Park, Columbia 29203, 803-765-7000.	SC	04/10/92
Mr. Jerome S. Tannenbaum, Ren Corporation—USA, 6820 Charlotte Pike, Nashville 37209, 615-353-4200.	TN	04/03/92
J. Michael Stevens, Medical Center Hosp. of Odessa, Odessa 79761, 915-335-1152.	TX	04/01/92
Mr. William D. Poteet, III, Methodist Hospital, Lubbock, 3615 19th Street, Lubbock 79410, 806-792-1011.	TX	04/03/92
Mr. Andrew M. Harris, Henderson Mem. Hosp., 300 Wilson Street, Henderson 75652.	TX	04/03/92
Ms. Joanne Condi, Dallas Rehab. Institute, 9713 Harry Hines Blvd., Dallas 75220, 214-358-6000.	TX	04/03/92
Mr. Ralph E. Beaty, Huntsville Mem. Hosp., 3000 I-45 Huntsville 77340, 409-291-4521.	TX	04/03/92
Mr. Gary M. Moore, Maverick County Hosp. Dist., 350 South Adams St., Eagle Pass 78852, 512-773-5321.	TX	04/06/92

DIVISION OF FOREIGN LABOR CERTIFICATIONS APPROVED ATTESTATIONS—Continued

[04/01/92 to 04/30/92]

CEO-name/facility name/address	St.	Approval date
Robert E. Myers, M.D., Scott & White Mem. Hosp. and Clinic, Temple 76508, 817-774-2111.	TX	04/09/92
Mr. Jack Barto, St. Mary Hospital, 3600 Gates Boulevard, Port Arthur 77642, 409-989-5140.	TX	04/09/92
Mr. Gary M. Moore, Maverick County Hosp. Dist., 350 South Adams St., Eagle Pass 78852, 512-773-5321.	TX	04/09/92
Mr. J. Barry Shevchuk, Houston Northwest Med. Ctr., 710 FM 1960 West, Houston 77090, 713-440-2288.	TX	04/09/92
Mr. A.R. Hixson III, Technitrol Inc., 3829 Aspenwood Drive, Bedford 76021, 817-571-1330.	TX	04/10/92
Mr. Ben M. McKibbens, Valley Baptist medical Ctr., 2101 Pease St., Harlingen 78550, 512-421-1100.	TX	04/10/92
Ms. Chris Kelly, AMI Brownsville Med. Ctr., 1040 W. Jefferson, Brownsville 78520, 512-544-1455.	TX	04/10/92
Mr. Walter Mischer, Herman Hospital, 6411 Fannin, Houston 77030, 713-797-3000.	TX	04/16/92
Mr. Philip Michael Munnerlyn, Eastway Gen'l. Hosp./Hosp. East Loop, Houston 77029, 713-675-3241.	TX	04/16/92
Ms. Helen J. Dichoso, Assurance Health Services, dba Allied Health Services, Houston 77081, 713-664-1084.	TX	04/16/92
Mr. Paul Herzog, Vista Hills Medical Center, 10301 Gateway West, El Paso 79925, 915-595-9000.	TX	04/16/92
Sister Kathleen Coughlin, Spohn Hospital, 600 Elizabeth Street, Corpus Christi 78404, 512-881-3700.	TX	04/23/92
Mr. Jeffrey B. Barber, R.E. Thomason Gen'l. Hosp., 4815 Alameda Ave., El Paso 79905, 915-544-1200.	TX	04/30/92
Mr. George Belsey, The U. of Utah Hospital, 50 North Medical Drive, Salt Lake City 84132, 801-581-2121.	UT	04/28/92
Mr. Treuman Katz, Children's Hosp. & Med. Ctr. 4800 Sand Point Way NE, Seattle 98105, 206-526-2111.	WA	04/10/92
Mr. Earl Strub, Oconto Memorial Hosp., 405 First St., Oconto 54153, 414-834-5151.	WI	04/03/92

DIVISION OF FOREIGN LABOR CERTIFICATIONS APPROVED ATTESTATIONS—Continued

[04/01/92 to 04/30/92]

CEO-name/facility name/address	St.	Approval date
Total Attestations—182..		

[FR Doc. 92-1110 Filed 5-11-92; 8:45 am]

BILLING CODE 4510-30-M

Mine Safety and Health Administration

Petitions for Modification

The following parties have filed petitions to modify the application of mandatory safety standards under section 101(c) of the Federal Mine Safety and Health Act of 1977.

1. Adena Fuels, Inc.

[Docket No. M-92-38-C]

Adena Fuels, Inc., P.O. Box 330, Hazard, Kentucky 41702 has filed a petition to modify the application of 30 CFR 75.1710-1(canopies or cabs; electric face equipment) to its Diamond No. 1 Mine (I.D. No. 15-16922) located in Knott County, Kentucky. The petitioner states that the use of cabs or canopies on self-propelled face equipment will result in a diminution of safety to the miners.

2. Eastern Associated Coal Corp.

[Docket No. M-92-39-C]

Eastern Associated Coal Corporation, P.O. Box 1233, Charleston, West Virginia 25324 has filed a petition to modify the application of 30 CFR 75.305 (weekly examinations for hazardous conditions) to its Harris No. 2 Mine (I.D. No. 46-01270) located in Boone County, Kentucky. Due to hazardous conditions in the tailgate entry of the 4 right longwall panel, the area cannot be safely traveled. The petitioner proposes to establish a monitoring system at the mouth of the tailgate entry to measure the quantity and quality of air leaving and entering the affected area.

3. Mountaineer Coal Co.

[Docket No. M-92-40-C]

Mountaineer Coal Company, P.O. Box 9, Castlewood, Virginia 24224 has filed a petition to modify the application of 30 CFR 75.1103-4(a) (automatic fire sensor and warning device systems; installation, minimum requirements) to its Harris No. 4 Mine (I.D. No. 44-05090) located in Wise County, Virginia. The petitioner proposes to use a carbon monoxide monitoring system in the belt entry instead of point-type sensors.

4. Mountaineer Coal Co.

[Docket No. M-92-41-C]

Mountaineer Coal Company, P.O. Box 9, Castlewood, Virginia 24224 has filed a petition to modify the application of 30 CFR 75.1105 (housing of underground transformer stations, battery-charging stations, substations, compressor stations, shops, and permanent pumps) to its No. 4 Mine (I.D. No. 44-05090) located in Wise County, Virginia. The petitioner proposes to use belt transformer air to ventilate the active working section in conjunction with a carbon monoxide monitoring system.

5. Mountaineer Coal Co.

[Docket No. M-92-42-C]

Mountaineer Coal Company, P.O. Box 9, Castlewood, Virginia 24224 has filed a petition to modify the application of 30 CFR 75.326 to its No. 4 mine (I.D. No. 44-05090) located in Wise County, Virginia. The petitioner proposes to use belt air to ventilate the active working sections and a carbon monoxide monitoring system to monitor air in the belt entries.

6. S&J Coal Co.

[Docket No. M-92-43-C]

S&J Coal Company, 117 School Row, Branchdale, Pennsylvania 17923 has filed a petition to modify the application of 30 CFR 75.1400 (hoisting equipment; general) to its Diamond Vein Slope (I.D. No. 36-08152) located in Schuylkill County, Pennsylvania. The petitioner proposes to use increased rope strength and a secondary safety rope on a slope conveyance (gunboat) to transport persons as an alternate to safety catches.

7. AMAX Coal Co.

[Docket No. M-92-44-C]

AMAX Coal Company, P.O. Box 3005, Gillette, Wyoming 93817 has filed a petition to modify the application of 30 CFR 77.309-1 (control stations; location) to its Belle Ayr Mine (I.D. No. 48-00732) located in Campbell County, Wyoming. Because of the scale of the petitioner's dryer coupler, a wide field of visibility of the system and equipment cannot be observed from the control station. The petitioner proposes to establish a control center to monitor all the system components by remote sensors using a computerized system of recorders and closed-circuit television to ensure safe operation of the equipment.

8. Western-Fuels Utah, Inc.

[Docket No. M-92-45-C]

Western-Fuels Utah, Inc., P.O. Box 1067, Rangely, Colorado has filed a petition to modify the application of 30

CFR 75.507 (power connection points) to its Deserado Mine (I.D. No. 05–03505) located in Rio Blanco County, Colorado. The petitioner proposes to use a non—permissible submersible pump in a borehole in a sump area of the mine. The petitioner would install the pump according to stipulations listed in the petition.

9. Eastern Coal Corporation

[Docket No. M–92–46–C]

Eastern Coal Corporation, P.O. Box 219, Stone, Kentucky 41567 has filed a petition to modify the application of 30 CFR 75.1105 (housing of underground transformer stations, battery-charging stations, substations, compressor stations, shops, and permanent pumps) to its Stone No. 4 Mine (I.D. No. 15–02096) located in Pike County, Kentucky. The petitioner proposes to install electrical equipment in a monitored fireproof structure instead of coursing the air current used to ventilate the equipment directly into the return airway.

10. Eastern Associated Coal Corp.

[Docket No. M–92–47–C]

Eastern Associated Coal Corporation, P.O. Box 1233, Charleston, West Virginia 25324 has filed a petition to modify the application of 30 CFR 75.305 (weekly examinations for hazardous conditions) to its Harris No. 2 Mine (I.D. No. 46–01270) located in Boone County, West Virginia. Due to hazardous conditions in the tailgate entry of the 4 right longwall panel, the area cannot be safely traveled. The petitioner proposes to establish a carbon monoxide monitoring system at the mouth of the tailgate entry to monitor the quantity and quality of air leaving and entering the affected area.

11. AKZO Salt Inc.

[Docket No. M–92–06–M]

AKZO Salt Inc., P.O. Box 106, Avery Island, Louisiana 70513 has filed a petition to modify the application of 30 CFR 57.22604 (blasting from the surface (II–B mines)) to its Avery Island Mine (I.D. No. 16–00509) located in Iberia County, Louisiana. The petitioner proposes to blast while miners are underground to enlarge a shaft opening for increased ventilation. The petitioner states that the procedures used will provide the same protection as the standard.

12. Barry & Barry Sand Co.

[Docket No. M–92–07–M]

Barry & Barry Sand Company, P.O. Box 9338, Beaumont, Texas 77709 has filed a petition to modify the application of 30 CFR 56.12004 (electric conductors) to its Pit and Plant (I.D. No. 41–01041) located in Hardin County, Texas. The petitioner uses quadrupled type wiring for its dredge instead of portable cable. The petitioner contends that the conditions under which the wiring is used provides the same protection as the standard.

Request for Comments

Persons interested in these petitions may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before June 11, 1992. Copies of these petitions are available for inspection at that address.

Dated: May 6, 1992.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 11104 Filed 5–11–92; 8:45 am]

BILLING CODE 4510–43–M

Pension and Welfare Benefits Administration

Advisory Council on Employee Welfare and Pension Benefit Plans; Meeting

Pursuant to the authority contained in section 512 of the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. 1142, a public meeting of the Working Group on Health Care of the Advisory Council on Employee Welfare and Pension Benefit Plans will be held at 12 Noon, Wednesday, May 27, 1992, in suite S–4215 AB, U.S. Department of Labor Building, Third and Constitution Avenue, NW., Washington, DC 20210.

This Health Care Working Group was formed by the Advisory Council to study issues relating to Health Care for employee benefit plans covered by ERISA.

The purpose of the May 27 meeting is to hold hearings on funding aspects of Health Care benefits, primarily in respect of retired employees, except as to certain vesting and portability issues. The Working Group will also take testimony and or submissions from employee representatives, employer representatives and other interested individuals and groups regarding the subject matter.

Individuals, or representatives of organizations wishing to address the Working Group should submit written request on or before May 21, 1992 to William E. Morrow, Executive Secretary, ERISA Advisory Council, U.S. Department of Labor, suite N–5677. Oral presentations will be limited to ten minutes, but witnesses may submit an extended statement for the record.

Organizations or individuals may also submit statements for the record without testifying. Twenty (20) copies of such statement should be sent to the Executive Secretary of the Advisory Council at the above address. Papers will be accepted and included in the record of the meeting if received on or before May 21, 1992.

Signed at Washington, DC, this 7th day of May 1992.

David George Ball,

Assistant Secretary, Pension and Welfare Benefits Administration.

[FR Doc. 92–11156 Filed 5–11–92; 8:45 am]

BILLING CODE 4510–21–M

Advisory Council on Employee Welfare and Pension Benefit Plans; Meeting

Pursuant to the authority contained in section 512 of the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. 1142, a public meeting of the Working Group on Pension Investment Activity of the Advisory Council on Employee Welfare and Pension Benefit Plans will be held at 9 a.m., Thursday, May 28, 1992, in suite S–4215 AB, U.S. Department of Labor Building, Third and Constitution Avenue, NW., Washington, DC 20210.

This Pension Investment Activity Working Group was formed by the Advisory Council to study issues relating to Pension Investment Activity for employee benefit plans covered by ERISA.

The purpose of the May 28 meeting is hear testimony from several experts in the field of economy targeted investments. The Working Group will also take testimony and or submissions from employee representatives, employer representatives and other interested individuals and groups regarding the subject matter.

Individuals, or representatives of organizations wishing to address the Working Group should submit written request on or before May 21, 1992 to William E. Morrow, Executive Secretary, ERISA Advisory Council, U.S. Department of Labor, suite N–5677. Oral presentations will be limited to ten minutes, but witnesses may submit an extended statement for the record.

Organizations or individuals may also submit statements for the record without testifying. Twenty (20) copies of such statement should be sent to the Executive Secretary of the Advisory

Council at the above address. Papers will be accepted and included in the record of the meeting if received on or before May 21, 1992.

Signed at Washington, DC, this 7th day of May, 1992.

David George Ball,

Assistant Secretary, Pension and Welfare Benefits Administration.

[FR Doc. 92-11157 Filed 5-11-92; 8:45 am]

BILLING CODE 4510-29-M

Advisory Council on Employee Welfare and Pension Benefit Plans; Meeting

Pursuant to the authority contained in section 512 of the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. 1142, two public meetings of the Working Group on Individual Participant Rights of the Advisory Council on Employee Welfare and Pension Benefit Plans will be held at 1 p.m., Tuesday May 26, 1992, in suite N-3437 BC, and at 9:30 a.m., Wednesday May 27, 1992 in suite S-4215 AB, U.S. Department of Labor Building, Third and Constitution Avenue, NW., Washington, DC 20210.

This Individual Participant Rights Working Group was formed by the Advisory Council to study issues relating to Individual Participant Rights for employee benefit plans covered by ERISA.

The purpose of the May 26 and 27 meetings is to take public testimony on effectiveness of the current ERISA structure in enabling participants, beneficiaries and other interested parties to protect their interests under Pension Welfare & Benefit Plans. Subjects will include: the ability of these parties to obtain adequate information regarding their rights and plans; the adequacy of the current plan appeals process; current U.S. government information and enforcement emphasis; whether these parties have meaningful access to the Federal courts; whether additional information and enforcement emphasis may be needed in situations where either the Plan Sponsor or Plan is in financial distress. The Working Group will also take testimony and or submissions from employee representatives, employer representatives and other interested individuals and groups regarding the subject matter.

Individuals, or representatives of organizations wishing to address the Working Group should submit a written request on or before May 21, 1992 to William E. Morrow, Executive Secretary, ERISA Advisory Council, U.S. Department of Labor, suite N-5677. Oral presentations will be limited to ten minutes, but witnesses may submit an extended statement for the record.

Organizations or individuals may also submit statements for the record without testifying. Twenty (20) copies of such statement should be sent to the Executive Secretary of the Advisory Council at the above address. Papers will be accepted and included in the record of the meeting if received on or before May 21, 1992.

Signed at Washington, DC, this 7th day of May, 1992.

David George Ball,

Assistant Secretary, Pension and Welfare Benefits Administration.

[FR Doc. 92-11094 Filed 5-11-92; 8:45 am]

BILLING CODE 4510-29-M

Advisory Council on Employee Welfare and Pension Benefit Plans; Meeting

Pursuant to the authority contained in section 512 of the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. 1142, a public meeting of the Working Group on Pension Coverage and Adequacy of the Advisory Council on Employee Welfare and Pension Benefit Plans will be held at 2:30 p.m., Wednesday May 27, 1992, in suite S-4215 AB, U.S. Department of Labor Building, Third and Constitution Avenue, NW., Washington, DC 20210.

This Pension Coverage and Adequacy Working Group was formed by the Advisory Council to study issues relating to Pension Coverage and Adequacy for employee benefit plans covered by ERISA.

The purpose of the May 27 meeting is to discuss the various studies and surveys regarding the trend in decline in participation in defined benefit plans and the shift toward defined contribution plans and to hear from expert witnesses invited to testify before the Group on this issue. The Working Group will also take testimony and/or submissions from employee representatives, employer representatives and other interested individuals and groups regarding the subject matter.

Individuals, or representatives of organizations wishing to address the Working Group should submit written request on or before May 21, 1992 to William E. Morrow, Executive Secretary, ERISA Advisory Council, U.S. Department of Labor, suite N-5677. Oral Presentations will be limited to ten minutes, but witnesses may submit an extended statement for the record.

Organizations or individuals may also submit statements for the record without testifying. Twenty (20) copies of such statement should be sent to the Executive Secretary of the Advisory Council at the above address. Papers will be accepted and included in the record of the meeting if received on or before May 21, 1992.

Signed at Washington, DC, this 7th day of May, 1992

David George Ball,

Assistant Secretary, Pension and Welfare Benefits Administration.

[FR Doc. 92-11095 Filed 5-11-92; 8:45 am]

BILLING CODE 4510-29-M

Advisory Council on Employee Welfare and Pension Benefit Plans; Meeting

Pursuant to the authority contained in section 512 of the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. 1142, a public meeting of the Advisory Council on Employee Welfare and Pension Benefit Plans will be held on Thursday, May 28, 1992, in suite S-4215 AB, U.S. Department of Labor Building, Third and Constitution Avenue, NW., Washington, DC 20210.

The purpose of the Seventy-Fifth meeting of the Secretary's ERISA Advisory Council which will begin at 12:30 p.m., is to hear status reports and provide input to each of the Council's work group i.e., Individual Participant Rights; Health Care; Pension Investment Activity; Pension Coverage & Adequacy, and to invite public comment on any aspect of the administration of ERISA.

Members of the public are encouraged to file a written statement pertaining to any topic concerning ERISA by submitting 20 copies on or before May 21, to William E. Morrow, Executive Secretary, ERISA Advisory Council, U.S. Department of Labor, suite N-5677, 200 Constitution Avenue, NW., Washington, DC 20210. Individuals, or representatives of organizations wishing to address the Advisory Council should forward their request to the Executive Secretary or telephone (202) 523-8753. Oral presentations will be limited to ten minutes, but an extended statement may be submitted for the record.

Organizations or individuals may also submit statements for the record without testifying. Twenty (20) copies of such statement should be sent to the Executive Secretary of the Advisory Council at the above address. Papers will be accepted and included in the record of the meeting if received on or before May 21, 1992.

Signed at Washington, DC, this 7th day of May, 1992.

David George Ball,

Assistant Secretary, Pension and Welfare Benefits Administration.

[FR Doc. 92-11096 Filed 5-11-92; 8:45 am]

BILLING CODE 4510-29-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts; International Advisory Panel Establishment and Meeting

In accordance with provisions of the Federal Advisory Committee Act (Pub. L. 92-463) and General Services Administration regulations issued pursuant thereto (41 CFR Paragraph 101-6), and under the authority of section 10(a)(4) of the National Foundation on the Arts and the Humanities Act of 1965, as amended (20 U.S.C. 959(a)(4)), notice is hereby given that establishment of the International Advisory Panel has been approved by the Acting Chairman of the National Endowment for the Arts for a period of two years from the date of filing. The Committee's objectives and scope of activities include the formulation of expert advice and recommendations to the Chairman, National Endowment for the Arts and the National Council on the Arts with respect to: (a) Applications submitted to the National Endowment for the Arts for Federal grant assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, and (b) policies and programs of the National Endowment for the Arts. This Committee shall report to the National Endowment for the Arts, National Foundation on the Arts and the Humanities.

The function of this advisory committee cannot be performed by the Arts Endowment, an existing advisory committee or other means, such as public hearing. Neither the agency nor any existing advisory committee possesses sufficient expertise or breadth of representation regarding this field to offer such advice. Other means, such as public hearings, are not suitable for obtaining the necessary advice. Therefore, the establishment and use of this advisory committee is in the public interest.

This charter will be filed with the standing Committees of the Senate and the House of Representatives having legislative jurisdiction over the Endowment and with the Library of Congress.

The first meeting of the International Advisory Panel (International Projects Initiative Section) will be held on May 19-20, 1992 from 9 a.m.-6 p.m. and May 21 from 9 a.m.-5:30 p.m. in room 716 at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

Portions of this meeting will be open to the public on May 19 from 9 a.m.-10 a.m. and May 21 from 2 p.m.-5:30 p.m. The topics will be introductory remarks, instructions to the panel, policy discussion and guidelines review.

The remaining portions of this meeting on May 19 from 10 a.m.-6 p.m., May 20 from 9 a.m.-6 p.m. and May 21 from 9 a.m.-2 p.m. are for the purpose of Plan review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman of November 20, 1991, these sessions will be closed to the public pursuant to subsection (c)(4), (6), and (9)(B) of section 552b of title 5, United States Code.

Any person may observe meetings, or portions thereof, of advisory panels which are open to the public, and may be permitted to participate in the panel's discussions at the discretion of the panel chairman and with the approval of the full-time Federal employee in attendance.

If you need special accommodations due to a disability, please contact the Office of Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, 202/682-5532, TTY 202/682-5496, at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Yvonne M. Sabine, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682-5433.

Dated: May 6, 1992.

Yvonne M. Sabine,

Director, Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 92-11016 Filed 5-11-92; 8:45 am]

BILLING CODE 7537-01-M

National Endowment for the Arts; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Advisory Council on Arts Education (Arts Plus Initiative #1: Presenters Section) to the National Council on the Arts will be held on June 5, 1992 from 9 a.m.-4 p.m. in room 730 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendations on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the Agency by grant applicants. In accordance with the determination of the Chairman of November 20, 1991, this session will be closed to the public pursuant to sections (c) (4), (6) and (9)(B) of section 552b of title 5, United States Code.

Further information with reference to this meeting can be obtained from Ms. Yvonne M. Sabine, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682-5433.

Dated: May 6, 1992.

Yvonne M. Sabine,

Director, Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 92-11017 Filed 5-11-92; 8:45 am]

BILLING CODE 7537-01-M

Humanities Panel; Meetings

AGENCY: National Endowment for the Humanities.

ACTION: Notice of meetings.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, as amended), notice is hereby given that the following meetings of the Humanities Panel will be held at the Old Post Office, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

FOR FURTHER INFORMATION CONTACT: David C. Fisher, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, DC 20506; telephone 202/786-0322. Hearing-impaired individuals are advised that information on this matter may be obtained by contacting the Endowment's TDD terminal on 202/786-0282.

SUPPLEMENTARY INFORMATION: The proposed meetings are for the purpose of panel review, discussion, evaluation and recommendation of applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. Because the proposed meetings will consider information that

is likely to disclose: (1) Trade secrets and commercial or financial information obtained from a person and privileged or confidential; or (2) information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee meetings, dated September 9, 1991, I have determined that these meetings will be closed to the public pursuant to subsections (c)(4), and (6) of section 552b of title 5, United States Code.

1. Date: May 27, 1992
   Time: 8:30 a.m. to 5 p.m.
   Room: M14
   Program: This meeting will review Publication Subvention applications for History, submitted to the Division of Research Programs, for projects beginning after October 1, 1992.
2. Date: May 29, 1992
   Time: 8:30 a.m. to 5 p.m.
   Room: 430
   Program: This meeting will review Publication Subvention applications for Literature, submitted to the Division of Research Programs, for projects beginning after October 1, 1992.
3. Date: May 29, 1992
   Time: 8:30 a.m. to 5:30 p.m.
   Room: 315
   Program: This meeting will review Summer Seminars for School Teachers applications for directing seminars in 1993 in the field of Foreign Literature, Culture and Music, submitted to the Division of Fellowships and Seminars Programs, for projects beginning after June 1, 1993.
4. Date: June 1, 1992
   Time: 8:30 a.m. to 5 p.m.
   Room: 430
   Program: This meeting will review Publication Subvention applications for Art, Music, and Theatre, submitted to the Division of Research Programs, for projects beginning after October 1, 1992.
5. Date: June 1, 1992
   Time: 8:30 a.m. to 5:30 p.m.
   Room: 415
   Program: This meeting will review Summer Seminars for School Teachers applications for directing seminars in 1993 in the field of History, Politics, and Society, submitted to the Division of Fellowships and Seminars Programs, for projects beginning after June, 1993.
6. Date: June 2, 1992
   Time: 8:30 a.m. to 5:30 p.m.
   Room: 415
   Program: This meeting will review Summer Seminars for School Teachers applications for directing seminars in 1993 in the field of Philosophy and Religion, submitted to the Division of Fellowships and Seminars Programs, for projects beginning after June 1993.
7. Date: June 1–2, 1992
   Time: 9 a.m. to 5:30 p.m.
   Room: 315
   Program: This meeting will review proposals for Science and Humanities projects submitted to the April 1, 1992 deadline in Higher Education in the Humanities Program, for projects beginning after September 1992.
8. Date: June 3, 1992
   Time: 8:30 a.m. to 5 p.m.
   Room: MO7
   Program: This meeting will review Publication Subvention application for Anthropology, Archeology, Geography, Philosophy and Religion, submitted to the Division of Research Programs, for projects beginning after October 1, 1992.
9. Date: June 3, 1992
   Time: 8:30 a.m. to 5:30 p.m.
   Room: 415
   Program: This meeting will review Summer Seminars for School Teachers applications for directing seminars in 1993 in the field of American Literature and Culture, submitted to the Division of Fellowships and Seminar, for projects beginning after June, 1993.
10. Date: June 4, 1992
    Time: 8:30 a.m. to 5:30 p.m.
    Room: 415
    Program: This meeting will review Summer Seminars for School Teachers applications for directing seminars in 1993 in the field of Classical, Medieval, and Renaissance Studies, submitted to the Division of Fellowships and Seminars, projects beginning after June 1993.
11. Date: June 4–5, 1992
    Time: 9 a.m. to 5:30 p.m.
    Room: 315
    Program: This meeting will review proposals submitted for Science and Humanities Projects to the April 1, 1992 deadline in the Higher Education in the Humanities Program, for projects beginning after September 1992.
12. Date: June 5, 1992
    Time: 8:30 a.m. to 5 p.m.
    Room: 430
    Program: This meeting will review Biennial/Triennial applications submitted by state humanities councils to the Division of State Programs, for projects beginning after November 1, 1992.
13. Date: June 5, 1992
    Time: 8:30 a.m. to 5:30 p.m.
    Room: 415
    Program: This meeting will review Summer Seminars for School Teaches application for directing seminars in 1993 in the field of British and American Literature, submitted to the Division of Fellowships and Seminars, for projects beginning after June 1993.
14. Date: June 8, 1992
    Time: 8:30 a.m. to 5 p.m.
    Room: 415
    Program: This meeting will review Biennial/Triennial applications submitted by state humanities councils to the Division of State Programs, for projects beginning after November 1992.
15. Date: June 8–9, 1992
    Time: 9 a.m. to 5:30 p.m.
    Room: 315
    Program: This meeting will review proposals submitted for Science and Humanities Projects to the April 1, 1992 deadline in the Higher Education in the Humanities Program, for projects beginning after September 1, 1992.
16. Date: June 15, 1992
    Time: 8:30 a.m. to 5 p.m.
    Room: 415
    Program: This meeting will review Biennial/Triennial applications submitted by state humanities councils to the Division of State Programs, for projects beginning after November, 1992.

David C. Fisher,

Advisory Committee Management Officer.

[FR Doc. 92–11069 Filed 5–11–92; 8:45 am]

BILLING CODE 7536–01–M

NATIONAL SCIENCE FOUNDATION

Collection of Information Submitted for OMB Review

In accordance with the Paperwork Reduction Act and OMB Guidelines, the National Science Foundation is posting two notices of information collections that will affect the public. Interested persons are invited to submit comments by May 31, 1992. Comments may be submitted to:

(A) *Agency Clearance Officer.* Herman G. Fleming, Division of Personnel and Management, National Science Foundation, Washington, DC 20550, or by telephone (202) 357–7335, and to:

(B) *OMB Desk Officer.* Office of Information and Regulatory Affairs,

Attn: Dan Chenok, Desk Officer, OMB, 722 Jackson Place, Room 3208, NEOB, Washington, DC 20503.

Title: Grants for Research and Education in Science and Engineering (GRESE) An Application Guide.

Affected Public: Individuals, State and Local Governments, Businesses or other for profit, Non-Profit institutions, and Small businesses or organizations.

Respondents/Reporting Burden: 37,000 respondents; 120 hours per response.

Abstract: The National Science Foundation supports research in most scientific disciplines, science education and research policy. This support is made through grants, contracts, and other agreements awarded to universities, university consortia, nonprofit, and other research organizations. These awards are based on proposals submitted to the Foundation.

Dated: May 7, 1992.

Herman G. Fleming,

Reports Clearance Officer.

[FR Doc. 92–11124 Filed 5–11–92; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–219]

GPU Nuclear Corp.; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (NRC or the Commission) is considering issuance of an amendment to Facility Operating License No. DPR–16 issued to GPU Nuclear Corporation, et al. (the licensee), for operation of the Oyster Creek Nuclear Generating Station, located in Ocean County, New Jersey.

Environmental Assessment

Identification of Proposed Action

The proposed amendment would revise the Technical Specification Sections 3.13.B.1 and 13.B.2 and delete current Technical Specifications 3.13.B.3 and 3.13.B.4 and the note at the bottom of Page 3.13–1 which applied only during the previous operating cycle. The proposed revision to the Technical Specifications would permit no limitation on the number of inoperable position indicators for nine ASME Code safety valves during power operation.

The proposed amendment is in accordance with GPU Nuclear Corporation's application dated February 15, 1990, as supplemented January 22, 1992.

Need for the Proposed Action

The proposed changes to the Facility Operating License are needed because the current Oyster Creek Nuclear Generating Station Technical Specifications require a plant shutdown depending on the number of inoperable safety valve position indicators and the location of their associated safety valves.

Environmental Impacts of the Proposed Action

The Commission has completed its evaluation of the proposed revision to the Technical Specifications 3.13.B.1 and 3.13.B.2 which would permit no limitation on the number of inoperable position indicators for nine ASME Code safety valves during power operation.

Based on its review, the Commission concludes that the proposed changes are acceptable. The NRC staff has determined that operability of safety valve position indication is not necessary at the Oyster Creek Nuclear Generating Station for transient or accident mitigation and Technical Specifications for safety valve indication should not require a plant shutdown or necessitate power reduction in order to ensure compliance.

The proposed changes do not increase the probability or consequences of accidents. No changes are being made in the types of any effluents that may be released offsite, and there is no significant increase in the allowable individual or cumulative occupational radiation exposure. Accordingly, the Commission concludes that the proposed action would result in no significant radiological environmental impact.

With regard to potential nonradiological impacts, the proposed changes to the Technical Specifications involve components in the plant which are located within the restricted area as defined in 10 CFR part 20. They do not affect nonradiological plant effluents and have no other environmental impacts. Therefore, the Commission concludes that there are no significant nonradiological impacts associated with the proposed amendment.

Alternatives to the Proposed Action

Since the Commission concludes that there are no significant environmental effects that would result from the proposed action, any alternatives with equal or greater environmental impacts need not be evaluated.

Alternative Use of Resources

The action would involve no use of resources not previously considered in the Final Environmental Statement for the Oyster Creek Nuclear Generating Station dated December 1974.

Agencies and Persons Consulted

The NRC staff reviewed the licensee's request and did not consult other agencies or persons.

Finding of No Significant Impact

Based upon the foregoing environmental assessment, the NRC staff concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed amendment.

For further details with respect to this action, see the application for amendment dated February 15, 1990, as supplemented January 22, 1992, which are available for public inspection in the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555 and at the local public document room located at the Ocean County Library, Reference Department, 101 Washington Street, Toms River, New Jersey 08753.

Dated at Rockville, Maryland this 5th day of May 1992.

For the Nuclear Regulatory Commission.

Ronald W. Hernan,

Acting Director, Project Directorate I–4, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 92–11098 Filed 5–11–92; 8:45 am]

BILLING CODE 7590–01–M

OFFICE OF PERSONNEL MANAGEMENT

Request for Clearance of Form RI 38–115

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1980 (title 44, U.S. Code, chapter 35), this notice announces a request for clearance of an information collection. Form RI 38–115, Representative Payee Report, is designed to collect information about how the benefits paid to a representative payee have been used or conserved for the benefit of the incompetent annuitant.

Approximately 15,000 RI 38–115 forms will be completed per year. The form requires 60 minutes to fill out. The annual burden is 15,000 hours.

For copies of this proposal, contact C. Ronald Trueworthy, on (703) 908–8550.

DATES: Comments on this proposal should be received on or before June 11, 1992.

ADDRESSES: Send or deliver comments to—

Lorraine Dettman, Chief, Office of Retirement Programs, Operations Support Division, U.S. Office of Personnel Management, 1900 E. Street, NW, room 3349, Washington, DC 20415

and

Joseph Lackey, OPM Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, NW, room 3002, Washington, DC 20503.

FOR INFORMATION REGARDING ADMINISTRATIVE COORDINATION CONTACT: Mary Beth Smith-Toomey, Chief, Administrative Management Branch, (202) 606–0623.

U.S. Office of Personnel Management.

Constance Berry Newman,

Director.

[FR Doc. 92–10920 Filed 5–11–92; 8:45 am]

BILLING CODE 6325–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–30668; File No. SR–CBOE–92–05]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the Chicago Board Options Exchange, Inc., Relating to the Addition of New Strike Prices

May 6, 1992.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on February 7, 1992, the Chicago Board Options Exchange, Inc. ("CBOE" or "Exchange") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the CBOE. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The CBOE submits to the Commission, pursuant to Rule 19b–4, a proposed rule change to modify CBOE's rules governing the addition of new strike prices for options listed on the Exchange's Indexes ("Index"). Under existing CBOE rule 24.9, Interpretation .01, three situations allow the Exchange to add additional strike prices: (1) When a new series with a new expiration cycle is opened; (2) when the current index value reaches an existing strike price; and (3) when unusual market conditions exist. Presently, two strike prices above and below the current index price may be added when a new expiration month is added, and up to three strike prices above and below the current index price may be added when the index price reaches an existing strike price. In addition, up to four strike prices above and below the current index price may be added in unusual market conditions. The CBOE states that current market conditions and customer demand indicate that increasing the number of strike prices will enhance liquidity, market depth and open interest. Therefore, the CBOE proposes that up to four (4) strike prices may be added when a new series is opened, that up to six (6) strike prices may be added when the current index price reaches an existing strike price, and that up to seven (7) strike prices may be added when unusual market conditions warrant.

The text of the proposed rule change is available at the Office of the Secretary, CBOE and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose, of and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission the CBOE included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The Text of these statements may be examined at the places specified in Item IV below. The CBOE has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(1) Purpose

The proposed rule change would enable the CBOE to list more strike prices for Exchange-traded Index Options. Since the issuance of CBOE rule 24.9 Interpretation .01 on October 3, 1984, the CBOE has sought and received Commission approval to increase the number of strike prices available for Exchange-traded Index options intervals only twice, in March 1985 and June 1987.[1] When the current interpretation was added in June 1987, the CBOE stated in its proposal that the increase in the number of strike prices available "will provide necessary flexibility * * * * to allow appropriate trading strategies to be effectuated."[2] In addition, the Exchange in this same proposal stated that in times of volatile market conditions, two acute problems exist: (1) The ability to hedge with lower priced options is limited due to dramatic increases in the prices of existing options; and (2) the inability of the Exchange to add additional strike prices quickly. By granting the CBOE the flexibility to add additional strike prices under the proposed rule interpretation, the Commission would allow the CBOE to accommodate market participants, increase market depth and liquidity and improve market efficiency without dispersing trading activity. In addition, the proposed rule change would be permissive in that as few as one strike price may be added under any given condition. The strike prices would only be added as necessary to bring about an appropriate "balance between accommodating market participants and causing excessive proliferation of options series."[3]

(2) Basis

The CBOE believes that the proposed rule change is consistent with section 6(b)(5) of the Act because it will protect investors and the public interest, by increasing the number of strike prices available for Exchange-traded Index options. The CBOE further believes that the proposed rule change removes impediments to and perfects the mechanism of a free and open market by offering flexibility in the listing of a useful range of strike prices for Index option contracts.

B. Self-Regulatory Organization's Statement on Burden on Competition

CBOE does not believe that the proposed rule change will impose any inappropriate burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments were received with respect to the topic of the proposed rule

[1] See Securities Exchange Act Release Nos. 21794 (February 28, 1985), 50 FR 8691 and 24539 (June 3, 1987), 52 FR 22016.

[2] See Securities Exchange Act Release No. 24345 (April 15, 1987), 52 FR 13159, 13159 (notice of file no. SR–CBOE–87–09).

[3] See Securities Exchange Act Release No. 21644 (January 9, 1985), 50 FR 2360, 2361.

change, which comments requested relief of the type described in the rule change, namely, the addition of strike price intervals.[4]

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the Federal Register or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(a) By order approve such proposed rule change, or

(b) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld form the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by June 2, 1992.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92-11022 Filed 5-11-92; 8:45 am]

BILLING CODE 8010-01-M

[4] See letter from Joyce Deatrick Klouda, Staff Attorney, CBOE, to Jeffrey Burns, Branch of Options Regulation, Division of Market Regulation, SEC, dated April 30, 1992.

[Release No. 34-30667; International Series Release No. 379; File No. SR-NASD-92-15]

May 5, 1992.

Self-Regulatory Organizations; National Association of Securities Dealers, Inc.; Order Granting Accelerated Temporary Approval to Proposed Rule Change Relating to the Quotation Linkage between the NASD and the London Stock Exchange

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on April 30, 1992, the National Association of Securities Dealers, Inc. ("NASD" or "Association") filed with the Securities and Exchange Commission ("Commission" or "SEC") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the NASD. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

On October 2, 1987, the Commission issued an order approving the operation of a market information linkage between the NASD and the London Stock Exchange ("LSE") (formerly, the International Stock Exchange of the United Kingdom and the Republic of Ireland) for a pilot term of two years.[1] This experimental linkage is designed to provide an interchange of quotation information ("linkage information") on about 740 securities ("linkage securities"); of that total, each marketplace has designated approximately half as its "pilot group" of linkage securities. NASD and LSE members that function as market makers in one or more of a subset of linkage securities that are quoted in both the NASDAQ and LSE dealer systems ("common issues") are authorized to access linkage information without paying a separate charge to receive this information. Operation of the linkage in this fashion comports with the terms of the Commission's October, 1987 Order. Most recently, the Commission authorized an extension of this pilot linkage through May 5, 1992, by approving File No. SR-NASD-91-63.[2]

[1] Securities Exchange Act Release No. 24979 (October 2, 1987), 52 FR 37684 (October 8, 1987), (the "October 1987 Order").

[2] Securities Exchange Act Release No. 30033 (December 4, 1991), 56 FR 64821 (December 12, 1991).

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act") and rule 19b-4 thereunder, the NASD submits this proposed rule change to obtain Commission approval of the NASD/LSE pilot linkage through November 5, 1992.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the NASD, included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The NASD has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of this rule filing is to obtain an interim extension of the Commission's temporary approval of the NASD/LSE linkage through November 5, 1992. Absent an extension, authorization for the linkage will expire as of May 5, 1992.

During the proposed extension, the NASD and LSE will continue to discuss possible options regarding the linkage's future structure and operational capabilities in relation to the needs of the international investment community. These discussions may lead to a substantive enhancement of the linkage, the pursuit of another joint initiative, or a decision to act independently in developing international systems that are responsive to the business needs of the sponsors' constituencies. Any decision to enhance the linkage or to jointly develop an alternative system will entail another rule 19b-4 filing that will afford the Commission (and other interested parties) an opportunity to focus on the relevant policy and regulatory issues. Meanwhile, continuation of the pilot linkage, as proposed, would be supportive of the NASD's and LSE's efforts to define systems capable of accommodating cross-border trading more efficiently.

The NASD submits that the statutory bases for the NASD/LSE pilot linkage and the requested extension thereof, are contained in sections 11A(a)(1) (B) and (C), 15A(b)(6), and 17A(a)(1) of the Act. Subsections (B) and (C) of section 11A(a)(1) set forth the Congressional

goals of achieving more efficient and effective market operations, the availability of information with respect to quotations for securities and the executions of investor orders in the best market through the application of new data processing and communications techniques. Section 15A(b)(6) requires that the rules of the NASD be designed "to foster cooperations and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market * * *." Section 17A(a)(1) sets forth the Congressional goals of linking all clearance and settlement facilities and reducing cost involved in the clearance and settlement process through new data processing and communications techniques. The NASD believes the requested extension of the linkage's pilot operation is fully consistent with the policy goals articulated in the foregoing statutory provisions and with the Commission's efforts to advance the process of internationalization of the securities markets.

B. Self-Regulatory Organization's Statement on Burden on Competition

In its original release announcing interim approval of the NASD/LSE pilot linkage, the Commission referenced certain competitive concerns raised by Instinet Corporation ("Instinet") through counsel.[3] In response, the NASD, after consultation with the LSE, made a good faith effort to address those concerns by narrowing the universe of firms and terminals permitted access to linkage information at no cost. Those changes were reflected in File No. SR–NASD–87–20, which the Commission approved by issuing the October 1987 Order. Further, in File No. SR–NASD 89–44 (which resulted in extension of the linkage's authorization until December 1, 1990), the NASD submitted statistical and cost information relative to its participation in the pilot project. In the event that the NASD and LSE determine to seek permanent approval of, or materially enhance the linkage, the NASD represents that it will make every effort to supply the Commission with the empirical data needed for its deliberations on the corresponding rule 19b–4 filing.

With respect to the instant filing, the NASD believes that the proposed extension of the pilot linkage will not create any competitive burden vis-a-vis Instinet or any other vendor of securities market information. Moreover, Instinet and other interested parties will have ample opportunity to comment on any subsequent Rule 19b–4 filing involving permanent approval or substantive enhancement of the linkage information. Finally, during the requested extension, the sponsoring markets will not use linkage information for purposes of operating an intermarket, automated execution system.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing For Commission Action

The NASD requests that the Commission find good cause for approving this proposed rule change prior to the 30th day following publication of notice of the filing in the **Federal Register**, and, in any event, by May 5, 1992, the expiration of the linkage's present authorization. The NASD believes that the requested extension of the pilot period is fully consistent with the statutory provisions and policy goals referenced in Section 3 of this Rule 19b–4 filing. Moreover, the additional time will enable the sponsoring markets to consider various options and determine the future course of this experimental project. Those deliberations will focus on evaluating feasible enhancements to the linkage as well as alternative projects intended to advance the internationalization of the securities markets through more efficient computerized systems. Under these circumstances, it would be counterproductive to allow the NASD/LSE linkage to cease operation. Accordingly, the NASD believes that good cause exists to accelerate the effectiveness of this rule change to a date no later than May 5, 1992.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the NASD and, in particular, the requirements of sections 11A(a)(1) (B) and (C), 15A(b)(6), 17A(a)(1) and the rules and regulations thereunder.

The Commission finds good cause for approving the proposed rule change prior to the 30th day after the date of publishing of notice of filing thereof. The Commission believes that accelerated approval will avoid an unnecessary interruption of the pilot linkage while allowing the NASD and LSE to consider feasible options for enhancing the linkage or defining other automation initiatives to facilitate the efficient handling of international order flow. Accordingly, the Commission believes the NASD/LSE linkage should not be terminated while these efforts are ongoing.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of the filing will also be available for inspection and copying at the principal office of the NASD. All submissions should refer to the file number in the caption above and should be submitted by June 2, 1992.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and hereby is temporarily approved thereby extending the NASD/LSE linkage until November 5, 1992.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority, 17 CFR 200.30–3(a)(12).

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92–11069 Filed 5–11–92; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–30663; File No. SR–NYSE–92–08]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the New York Stock Exchange, Inc., Relating to Listing Fees for Fixed Income Debt Securities

May 1, 1992.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, ("Act"),

[3] See Securities Exchange Act Release No. 23158 (April 21, 1986), 51 FR 15969 (April 29, 1986) See also letter from Daniel T. Brooks, Counsel for Instinet, to John Wheeler, Secretary, SEC, dated April 16, 1986.

15 U.S.C. 78s(b)(1), notice is hereby given that on April 8, 1992, the New York Stock Exchange, Inc. ("NYSE" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is proposing revisions to its schedule of listing fees for bonds and other fixed income debt securities (collectively, "fixed income debt securities").[1] in particular, the Exchange is proposing (1) to eliminate the listing fee for fixed income debt securities of issuers that have equity securities listed on the Exchange and their affiliated companies, (2) to eliminate listing fees for fixed income debt securities that are exempt from registration under the Act,[2] and (3) to substantially reduce the listing fees payable by other issuers of fixed income debt securities.

In order to avoid inequities in respect of recently-listed bonds, the Exchange will apply the new fee schedule retroactively to January 1, 1992. Thus, issuers who have elected to list bonds on the Exchange since that date will share in the elimination or reduction of the listing fee to the same extent as those who list prospectively.

Specifically, the Exchange is proposing to replace Part 2 (Fees for Bonds and Similar Securities) of Section 902.02 of its Schedule of Current Listing Fees (In effect January 1, 1989) of the Exchange's Listed Company Manual with the following new Part 2:

2. Fees for Bonds and Similar Securities

A. Fixed income debt securities of issuers that have equity securities listed on the Exchange and their affiliated companies—No fee.

B. Fixed income debt securities of issuers whose securities are exempt from registration under the Act, as amended, and the rules thereunder—No fee.

C. All other fixed income debt securities—$50 per $1 million principal amount or fraction thereof, subject to a minimum fee of $2,500 per issue or series and to the rules prescribed below.

The fee schedule applies to bonds, American Depository Receipts ("ADRs") representing bonds, and other fixed income debt securities that list for trading on the Exchange.

The Exchange shall determine on a case-by-case basis whether a company is related to an issuer in a manner that qualifies the company as an "affiliated company" of the issuer.

A series comprises all eligible instruments evidencing payments on the same security, having the same sponsor, and sharing other common or related specifications. The Exchange will ordinarily accept the sponsor's determination as to whether instruments that it sponsors and that evidence payments on the same security are part of the same or different series.

The following rules shall apply in connection with the application of the listing fee set forth in paragraph C:

(1) In the case of an issue or series that has been outstanding for more than one year before it becomes listed and traded on the Exchange, the fee, including the minimum, is 50% of the fee for new listings.

(2) In the case of relisting a previously listed issue so as to change the obligor or guarantor, a fee of $2,500 shall apply.

(3) In the case of a shelf registration application, a fee of $1,400 shall apply, which fee shall be applied toward the total listing fee.

(4) In the case of zero coupon securities, the principal amount shall equal the total proceeds received by the issuer.

(5) In the case of Exchange-listed ADRs that represent debt of a foreign company or sovereign, the principal amount of such issues shall be calculated as follows:

(a) If the issue is only available through a single offering, the principal amount shall be deemed to equal 10% of the U.S. dollar value of the worldwide outstanding float.

(b) If future offerings may be added to the issue, the principal amount shall be deemed to equal 12.5% of the U.S. dollar value of the worldwide outstanding float.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(a) Purpose

The Exchange is proposing its new, reduced schedule of listing fees to make the listing of bond issues on the Exchange more attractive, both to companies that list equity securities on the Exchange and to those that do not.

In this manner, the Exchange hopes to increase the number of its bond listings. The Exchange believes that such an increase serves the public interest because it will include a greater number of bond issues within the Exhcange's trading and disclosure systems.

(b) Basis

The basis under the Act for the proposed rule change is the requirement under section 6(b)(4) that an exchange have rules that provide for the equitable allocation of reasonable dues, fees and

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[1] This proposal replaces in its entirety File No. SR–NYSE–92–01, relating to bond listing fees. Telephone conversation between Donald G. Dueweke, Senior Vice President, Fixed Income Markets, NYSE and Diana Luka-Hopson, Staff Attorney, Commission, on April 21, 1992. File No. SR–NYSE–92–01 was noticed in Securities Exchange Act Release No. 30473 (March 12, 1992), 57 FR 9464 (March 18, 1992).

[2] For example, fixed income debt securities issued by the Tennessee Valley Authority and the World Bank currently are exempt from registration under the Act and the rules thereunder. Telephone conversation between Donald G. Dueweke, Senior Vice President, Fixed Income Markets, NYSE, and Diana Luka-Hopson, Staff Attorney, Commission, on April 21, 1992.

Concurrent with this filing, the Exchange is requesting that the Commission adopt a new rule, proposed rule 3a12–12, exempting from the registration requirements of Section 12[a] of the Act fixed income debt securities issued by reporting companies under the Act. See letter from Donald J. Solodar, Executive Vice President, Fixed Income, Options and Administration, NYSE, to William H. Heyman, Director, Division of Market Regulation, Commission, and to Linda C. Quinn, Director, Division of Corporation Finance, Commission, dated April 7, 1992. If the Commission adopts this exemption, the Exchange will amend its listing fee schedule to provide that the listing fees specified in paragraph C apply to fixed income debt securities that are exempt from registration under the Act soley by reason of the Commission's adoption of proposed rule 3a12–12.

other charges among its members and other persons using its facilities.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change does not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statements on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has not solicited, and does not intend to solicit, comments on the proposed rule change. The Exchange has not received any unsolicited written comments from members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing rule change establishes or changes a due, fee, or other charge imposed by the Exchange, it has become effective pursuant to section 19(b)(3)(A) of the Act and subparagraph (e) of Securities Exchange Act rule 19b–4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any persons, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the NYSE. All submissions should refer to File No. SR–NYSE–92–08 and should be submitted by June 2, 1992.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92–11023 Filed 5–11–92; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–30670; File No. SR–PHLX–92–02]

Self-Regulatory Organizations; Order Approving Proposed Rule Change by the Philadelphia Stock Exchange, Inc., Relating to Cancellation Instructions and Replacement Orders Under Options Floor Procedure Advice A–7

May 6, 1992.

On January 21, 1992, the Philadelphia Stock Exchange, Inc. ("PHLX" or "Exchange") submitted to the Securities and Exchange Commission ("SEC" or "Commission"), pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act") [1] and rule 19b–4 thereunder,[2] a proposal to amend PHLX Options Floor Procedure Advice ("OFPA") A–7, entitled "Responsibility to Cancel Orders," to add paragraph (a), entitled "Cancellation Orders," modify paragraph (b), entitled "Cancel Replace Orders," and to provide a fine schedule applicable to infractions of paragraph (a).

The proposed rule change was published for comment in Securities Exchange Act Release No. 30412 (February 25, 1992), 57 FR 7833. No comments were received on the proposed rule change.

Proposed paragraph (a) of OFPA A–7 makes explicit the responsibility of specialists to respond promptly to cancellation instructions for orders on the specialist's limit order book. For orders submitted to the book by a floor broker, the proposal would require the specialist to promptly advise the floor broker or his representative that the cancellation has been accepted or indicate that the cancellation was too late, and, therefore, that the order was executed. For orders received through the Exchange's Automated Options Market ("AUTOM") system,[3] the specialist would be required to transmit promptly an electronic message indicating that the cancellation was accepted or that the cancellation was too late, and, therefore, that the order was executed. If the specialist is unable to transmit a response to the cancellation instruction electronically, the specialist or his representative must promptly sign the cancellation ticket and forward a report thereof to the Exchange's service desk for processing.

Paragraph (b) of OFPA A–7, as amended, would require all members, in addition to floor brokers and registered options traders, (i) to submit separate cancel and replacement orders to the specialist in order to make a change in the option series of an order placed on the specialist's limit order book, and (ii) to submit either single or separate cancel and replacement orders to the specialist in order to change the price or volume of an order placed on the specialist's limit order book.

Finally, the proposal includes a fine schedule for infractions of paragraph (a) that provides for a fine of $100.00 for the first infraction, $250.00 for the second infraction, and a fine discretionary with the Exchange's Business Conduct Committee ("BCC") for the third and subsequent infractions.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, the requirements of section 6.[4] Specifically, the Commission finds that OFPA A–7's clarification of specialists' obligations with regard to cancellation instructions and replacement orders should facilitate transactions in securities and protect investors and the public interest by enhancing the fair, orderly and efficient operation of the PHLX's market. The rule serves the needs of investors and promotes investor confidence in the quality and integrity of the PHLX's options market by requiring specialists to respond promptly to cancellation instructions and to indicate immediately that the cancellation was accepted for that the cancellation was too late, and, therefore, that the order was executed. By requiring prompt processing of a cancellation order, OFPA A–7 will help to enhance the efficiency and accuracy with which customer orders are executed. Likewise, the proposed amendments to paragraph (b) of OFPA A–7 will improve the executive of customer orders by providing an efficient procedure for submitting changes in the terms of an order on the specialist's book. In addition, the Commission finds that the OFPA's fine schedule provides a fair and effective

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[1] 15 U.S.C. 78s(b)(1) (1982).

[2] 17 CFR 240.19b–4 (1991).

[3] AUTOM is an electronic system that allows delivery of small options orders from member firms directly to the PHLX trading floor and also automatically executes certain small public customer options orders.

[4] 15 U.S.C. 78f (1982).

means to enforce compliance with the rule.

It is therefore ordered, Pursuant to section 19(b)(2) of the Act,[5] that the proposed rule change (SR–PHLX–92–02) is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[6]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92–11085 Filed 5–11–92; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–30669; International Series No. 380; File No. SR–PHLX–92–13]

Self-Regulatory Organizations; Filing of Proposed Rule Change by the Philadelphia Stock Exchange, Inc. Relating to the Listing of Short-Term, End-of-the-Month Expiration Foreign Currency Options

May 6, 1992.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on April 17, 1992, the Philadelphia Stock Exchange, Inc. ("PHLX" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The PHLX, pursuant to Rule 19b–4, has submitted a proposal to amend PHLX Rule 1012(a)(ii) to provide for the listing of short-term, end-of-the-month expiration foreign currency options.

The text of the proposed rule change is available at the Office of the Secretary, PHLX, and the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and statutory basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

Since 1982, the PHLX has been trading foreign currency options with expirations in the March, June, September and December expiration cycle, and since October, 1985, has been trading foreign currency options with six expirations of up to one year in length, with to consecutive month and four cycle month expirations.[1] The Exchange now proposes to amend its rule 1000(b)(21) to provide for the listing of three additional short-term, end-of-the-month expiration foreign currency options. Specifically, the Exchange proposes to list short-term options on all foreign currency options presently traded on the PHLX, including the cross-rate currency options, in the two nearest term consecutive month expiration and the nearest term cycle month expiration. This end of month expiration feature will provide expirations approximately two weeks apart from existing foreign currency options expirations in the two nearest consecutive month expirations and the first cycle month expiration. The Exchange believes that this proposal is responsive to the continuing needs of market participants, particularly portfolio managers and other institutional currency market participants, by providing protection from short-term market moves while offering an alternative to hedging currency portfolios with futures positions, forward contracts or off-exchange customized derivative instruments.

Foreign currency options provide a strategic investment tool for sophisticated retail options customers, multi-national corporations and proprietary traders who manage and hedge foreign currency exposures. Additionally, banking institutions trade short-term foreign currency options to hedge the risk of trading in the foreign currency, forward and cash markets.

Responding to the demands of sophisticated foreign currency market participants, the PHLX recognizes that international financial markets are increasingly focusing on shorter term foreign currency options products. The PHLX notes that short-term foreign currency options are not a new investment security, as an active over-the-counter ("OTC") market exists in this country and worldwide. Accordingly, in order to remain competitive, the PHLX seeks to extend the benefits of a listed currency market to short-term, end-of-the-month expiration foreign currency options. These attributes include, but are not limited to, a regulated market center, a liquid auction market with posted market quotations and transaction reporting, standardized contract specifications, parameters and procedures for clearance and settlement, and the guarantee of the Options Clearing Corporation ("OCC") for all contracts traded by investors.

The Exchange proposes that the short-term, end-of-the-month expiration foreign currency options will trade simultaneously with, not independent of, currently listed and traded foreign currency options and the Exchange's cross-rate currency options.[2] The proposed short-term, end-of-the-month expiration foreign currency options will be subject to the same rules that presently govern the trading of existing foreign currency options contracts, including sales practice rules, margin requirements, and floor trading procedures. The PHLX notes that the bid/ask differential (quotation parameters) and price continuity rules will apply to the short-term foreign currency options series.

With regard to position and exercise limits, the PHLX has determined that because positions in the existing foreign currency options as well as the cross-rate currency options will be based upon the same underlying foreign currencies as these proposed short-term foreign currency options, it is appropriate that positions in these options contracts be aggregated. As stated above, the PHLX intends to list new short-term, end-of-the-month expiration foreign currency options series on each of the foreign currencies listed and traded on the PHLX, including cross-rate currency options, in the two nearest term consecutive month expirations and the nearest term cycle month expiration.

The Exchange believes the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the Exchange as it is designed to provide investors with additional means

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[5] 15 U.S.C. 78s(b)(2) (1982).

[6] 17 CFR 200.30–3(a)(12) (1991).

[1] In addition, the Exchange has filed with the Commission a proposed rule change to provide for the listing of long-term foreign currency options. *See* Securities Exchange Act Release No. 29804 (October 10, 1991), 56 FR 52305 (notice of File No. SR–PHLX–91–30).

[2] See Securities Exchange Act Release No. 29919 (November 7, 1991), 56 FR 58109.

to hedge foreign currency portfolios from short-term market risk, thereby facilitating transactions in foreign currency options and contributing to the protection of investors and the maintenance of fair and orderly markets. The Exchange further believes that the proposed shorter term foreign currency options will provide market participants with an alternative to hedging their risks with off-exchange customized options or forward contracts. The PHLX notes that market participants trading short-term foreign currency options in the OTC market have experienced significant demand for their product. Accordingly, the Exchange believes that the proposed rule change is consistent with Section 6(b)(5) of the Act in that it is designed to promote just and equitable principles of trade and to protect the investing public.

B. Self-Regulatory Organization's Statement on Burden on Competition

The PHLX does not believe that the proposed rule change will impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(a) By order approve such proposed rule change, or

(b) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by June 2, 1992.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92-11086 Filed 5-11-92; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. IC-18689; Int'l Series Release No. 381; 812-7832]

Short-Term World Income Portfolio, et al.; Notice of Application May 5, 1992.

AGENCY: Securities and Exchange Commission (the "SEC" or "Commission").

ACTION: Notice of Application for an Order under the Investment Company Act of 1940 (the "Act").

APPLICANT: Short-Term World Income Portfolio and World Growth Portfolio.

RELEVANT ACT SECTIONS: Order requested under section 6(c) that would grant an exemption from section 12(d)(3) and rule 12d3-1.

SUMMARY OF APPLICATION: Applicants seek a conditional order permitting them to invest in equity and convertible debt securities of foreign issuers that, in each of their most recent fiscal years, derived more than 15% of their gross revenues from securities related activities in accordance with the conditions of the proposed amendments to rule 12d3-1 under the Act.

FILING DATE: The application was filed on December 4, 1991 and amended on March 5, 1992.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving the applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on June 1, 1992, and should be accompanied by proof of service on the applicant, in the form of an affidavit, or for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 5th Street, NW., Washington, DC 20549. Applicants, 207 Queen's Quay West, Suite 780, Toronto, Ontario M5J 1A7.

FOR FURTHER INFORMATION CONTACT: Elaine M. Boggs, Staff Attorney, at (202) 272-3026, or Nancy M. Rappa, Branch Chief, at (202) 272-3030 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application is available for a fee from the SEC's Public Reference Branch.

Applicants' Representations

1. Applicant's are New York Trusts and are each an open-end management investment company adviser registered under the Act. Applicants' investment adviser is expected to be SBC Portfolio Management International, Inc. ("SBC"), a wholly-owned investment advisory subsidiary pending before the Commission that would exempt SBC from the provisions of section 9(a) of the Act. Applicants have stated that until such time as such order is received, SBC will not serve as investment adviser to the applicants and the applicants will make no public offering of their securities.

2. Applicants wish to invest in foreign issuers that, in their most recent fiscal year, derived more than 15% of their gross revenues from their securities related activities as a broker, dealer, underwriter, or investment adviser ("Foreign Securities Companies").

3. Applicants seek relief from section 12(d)(3) of the Act and rule 12d3-1 thereunder to invest in securities of Foreign Securities Companies to the extent allowed in the proposed amendments to rule 12d3-1. See Investment Company Act Release No. 17096 (Aug. 3, 1989), 54 FR 33027 (Aug. 11, 1989). The proposed amendments to rule 12d3-1 would, among other things, facilitate the acquisition by applicant of securities issued by Foreign Securities Companies. Applicants' proposed acquisitions of securities issued by Foreign Securities Companies will satisfy each of the requirements of the proposed amendments to rule 12d3-1.

Applicant's Legal Conclusions

1. Section 12(d)(3) of the Act prohibits an investment company from acquiring

any security issued by any person who is a broker, dealer, underwriter, or investment adviser. Rule 12d3–1 under the Act provides an exemption from section 12(d)(3) for investment companies acquiring securities of an issuer that derived more than 15% of its gross revenues in its most recent fiscal year from securities related activities, provided the acquisitions satisfy certain conditions set forth in the rule. Subparagraph (b)(4) of rule 12d3–1 provides that "at the time of acquisition, any equity security of the issuer * * * [must be] a 'margin security' as defined in Regulation T promulgated by the Board of Governors of the Federal Reserve System." Since a margin security generally must be one which is traded in the United States markets, securities issued by many Foreign Securities Companies would not meet this requirement. Accordingly, applicant seeks an exemption from the margin security requirements of rule 12d3–1.[1]

2. The proposed amendments to rule 12d3–1 provide that the margin security requirement would be excused if the acquiring company purchases the equity securities of Foreign Securities Companies that meet criteria comparable to those applicable to equity securities of United States securities related businesses. The criteria, as set forth in the proposed amendments, "are based particularly on the policies that underlie the requirements for inclusion on the list of over-the-counter margin stocks." Investment Company Act Release No. 17096 (Aug. 3, 1989), 54 FR 33027 (Aug. 11, 1989).

Applicants' Condition

Applicants agree to the following condition in connection with the relief granted:

Applicants will comply with the provisions of the proposed amendments to rule 12d3–1 (Investment Company Act Release No. 17096 (Aug. 3, 1989); 54 FR 33027 (Aug. 11, 1989)), and as such amendments may be reproposed, adopted, or amended.

[1] The staff of the Division of Investment Management notes that the Board of Governors of the Federal Reserve System has amended Regulation T to include "foreign margin stock." However, because the requirements for inclusion on the Board's "List of Foreign Margin Stocks" are generally more restrictive than the requirements for a "margin security" traded in the United States markets, securities issued by many Foreign Securities Companies are not included in the definition of "foreign margin stock" under Regulation T. *See* 12 CFR § 220.2(i) and (q)(6).

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92–11087 Filed 5–11–92; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. P–006]

The Decision of the Maritime Administrator Under Section 804 of the Merchant Marine Act of 1936 Directing Lykes Bros. Steamship Co., Inc., not to Serve Cartagena, Colombia

On April 14, 1992, there was published in the **Federal Register** a notice by the Maritime Administration of a Policy Consideration, Docket No. P–006. That notice announced that on April 3, 1992, the Secretary of Transportation had taken review of the decision of the Maritime Administration that Lykes Bros. Steamship Co., Inc. (Lykes) not serve Cartagena, Columbia with foreign-flag vessels unless permission was obtained under section 804 of the Merchant Marine Act of 1936. Lykes was to cease any such service by May 4, 1992 pursuant to a prior Maritime Administration directive. The April 14, 1992 notice also invited public comment on section 804 issues in general.

Notice is hereby given that by Order dated May 1, 1992, the Secretary of Transportation ordered that:

1. The decision of the Maritime Administration that Lykes cease its foreign-flag service to Cartagena in the absence of a section 804 determination be suspended, and, pending further Order, Lykes may continue that service without a section 804 determination until September 11, 1992.

2. The Order be served by the Secretary of the Maritime Administration upon all parties of record in Docket No. P–006 and Docket No. S–873, and noticed in the **Federal Register.**

By Order of the Secretary of Transportation.

Dated: May 6, 1992

James E. Saari,

Secretary, Maritime Administration.

[FR Doc. 92–11026 Filed 5–11–92; 8:45 am]

BILLING CODE 4910–81–M

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Rel. No. 18691; 811–6348]

Winterwood Funds, Inc.; Application

May 5, 1992.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of Application for Deregistration under the Investment Company Act of 1940 ("Act").

APPLICANT: Winterwood Funds, Inc.

RELEVANT ACT SECTION: Section 8(f).

SUMMARY OF APPLICATION: Applicant seeks an order declaring that it has ceased to be an investment company under the Act.

FILING DATE: The application on Form N–8F was filed on April 16, 1992.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC 5:30 p.m. on June 1, 1992, and should be accompanied by proof of service on the applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request such notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, NW., Washington, DC 20549. Applicant, P.O. Box 1102, Valley Forge, Pennsylvania 19482–1102.

FOR FURTHER INFORMATION CONTACT: James E. Anderson, Law Clerk, at (202) 272–7027, or C. David Messman, Branch Chief, at (202) 273–3018 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee from the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant is an open-end diversified management investment company organized under the laws of the State of Maryland. On July 5, 1991, applicant registered under the Act and filed a registration statement under the Securities Act of 1933. The registration statement did not become effective. No

sales were made by applicant of securities of which it is the issuer.

2. Applicant has no shareholders, assets or liabilities. Applicant is not a party to any litigation or administrative proceeding.

3. Applicant is not now engaged and does not propose to engage in any business activities other than those necessary for the winding up of its affairs.

For the SEC, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92-11088 Filed 5-11-92; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Applications of Worldwide Airline Services, Inc., for Certificate Authority

AGENCY: Department of Transportation.

ACTION: Notice of Order to Show Cause (Order 92-5-7) Dockets 47931 and 47932).

SUMMARY: The Department of Transportation is directing all interested persons to show cause why it should not issue orders finding Worldwide Airline Services, Inc., fit, willing, and able, and awarding it certificates of public convenience and necessity to engage in interstate, overseas, and foreign charter air transportation of persons, property, and mail.

DATES: Persons wishing to file objections should do so no later than May 20, 1992.

ADDRESSES: Objections and answers to objections should be filed in Dockets 47931 and 47932 and addressed to the Documentary Services Division (C-55, room 4107), U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590, and should be served upon the parties listed in Attachment A to the order.

FOR FURTHER INFORMATION CONTACT: Ms. Carol A. Woods, Air Carrier Fitness Division (P-56, room 6401), U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590, (202) 366-2340.

Dated: May 5, 1992.

Jeffrey N. Shane,

Assistant Secretary for Policy and International Affairs.

[FR Doc. 92-11028 Filed 5-11-92; 8:45 am]

BILLING CODE 4910-62-M

Federal Aviation Administration

Approval of Noise Compatibility Program Middle Georgia Regional Airport Macon, GA

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces its findings on the noise compatibility program submitted by the City of Macon under the provisions of title I of the Aviation Safety and noise Abatement Act of 1979 (Pub. L. 96-193) and 14 CFR part 150. These findings are made in recognition of the description of Federal and nonfederal responsibilities in Senate Report No. 96-52 (1980). On October 10, 1991, the FAA determined that the noise exposure maps submitted by the City of Macon under part 150 were in compliance with applicable requirements. On April 7, 1992, the Administrator approved the Middle Georgia Regional Airport noise compatibility program. Some of the recommendations of the program were approved.

EFFECTIVE DATE: The effective date of the FAA's approval of the Middle Georgia Regional Airport noise compatibility program is April 7, 1992.

FOR FURTHER INFORMATION CONTACT: Mrs. Catherine Nelmes, Program Manager; Atlanta Airports District Office; 1680 Phoenix Parkway, suite 101; College Park, Georgia 30349 (Telephone-404/994-5306). Documents reflecting this FAA action may be reviewed at this same location.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA has given its overall approval to the noise compatibility program for Middle Georgia Regional Airport, effective April 7, 1992.

Under section 104(a) of the Aviation Safety and Noise Abatement Act of 1979 (hereinafter referred to as "the Act"), an airport operator who has previously submitted a nose exposure map may submit to the FAA a noise compatibility program which sets forth the measures taken or proposed by the airport operator for the reduction of existing noncompatible land uses and prevention of additional noncompatible land uses within the area covered by the noise exposure maps. The Act requires such programs to be developed in consultation with interested and affected parties including local communities, government agencies, airport users, and FAA personnel.

Each airport noise compatibility program developed in accordance with Federal Aviation Regulations (FAR) part 150 is a local program, not a Federal program. The FAA does not substitute its judgment for that of the airport proprietor with respect to which measures should be recommended for action. The FAA's approval or disapproval of FAR part 150 program recommendations is measured according to the standards expressed in part 150 and the Act and is limited to the following determinations:

a. The noise compatibility program was developed in accordance with the provisions and procedures of FAR part 150;

b. Program measures are reasonably consistent with achieving the goals of reducing existing compatible land uses around the airport and preventing the introduction of additional noncompatible land uses;

c. Program measures would not create an undue burden on interstate or foreign commerce, unjustly discriminate against types or classes of aeronautical uses, violate the terms of airport grant agreements, or intrude into areas preempted by the Federal Government; and

d. Program measures relating to the use of flight procedures can be implemented within the period covered by the program without derogating safety, adversely affecting the efficient use and management of the navigable airspace and air traffic control systems, or adversely affecting other powers and responsibilities of the Administrator prescribed by law.

Specfic limitations with respect to FAA's approval of an airport noise compatibility program are delineated in FAR part 150. § 150.5. Approval is not a determination concerning the acceptability of land uses under Federal, state, or local law. Approval does not by itself constitute an FAA implementing action. A request for Federal action or approval to implement specific noise compatibility measures may be required, and an FAA decision on the request may require an environmental assessment of the proposed action. Approval does not constitute a commitment by the FAA to financially assist in the implementation of the program nor a determination that all measures covered by the program are eligible for grant-in-aid funding from the FAA. Where federal funding is sought, requests for project grants must be submitted to the FAA Airports District Office in Atlanta, Georgia.

The City of Macon submitted to the FAA on September 23, 1991, the noise exposure maps, descriptions, and other documentation produced during the

noise compatibility planning study conducted from January 4, 1988, through September 23, 1991. The Middle Georgia Regional Airport noise exposure maps were determined by FAA to be in compliance with applicable requirements on October 10, 1991. Notice of this determination was published in the **Federal Register** on October 22, 1991.

The Middle Georgia Regional Airport study contains a proposed noise compatibility program comprised of actions designed for phased implementation by airport management and adjacent jurisdictions from the date of study completion to (or beyond) the year 1995. It was requested that the FAA evaluate and approve this material as a noise compatibility program as described in section 104(b) of the Act. The FAA began its review of the program on October 10, 1991, and was required by a provision of the Act to approve or disapprove the program within 180 days (other than the use of new flight procedures for noise control). Failure to approve or disapprove such program within the 180-day period shall be deemed to be an approval of such program.

The submitted program contained nine proposed actions for noise mitigation on and off the airport. The FAA completed its review and determined that the procedural and substantive requirements of the Act and FAR part 150 have been satisfied. The overall program, therefore, was approved by the Administrator effective April 7, 1992.

Outright approval was granted for two of the specific program elements. Several items were conditionally approved or disapproved. Relocating the maintenance runups was disapproved pending the submission of data showing the extent of noise reduction in noise sensitive areas. No action was taken on modifying flight patterns on the departure to runway 5. The installation of a monitoring system was disapproved pending submission of additional information concerning its proposed use. Modifying flight patterns traffic departing runway 23 was approved as a voluntary measure. Rezoning property to the northeast and southwest of the airport was approved provided the property is rezoned to insure future compatible land uses. Acquiring navigation easements was disapproved pending reevaluation if jet air carrier service is reinstated. Soundproofing noise impacted structures was disapproved pending reevaluation if jet air carrier service is reinstated and runway 23 is extended.

The following two measures were approved. If 24-hour air traffic control is provided, promoting bidirectional use of runway 5–23 is approved. The minimizing of flights at night is approved as a voluntary measure.

These determinations are set forth in detail in a Record of Approval endorsed by the Administrator on April 7, 1992. The Record of Approval, as well as other evaluation materials and the documents comprising the submittal, are available for review at the FAA office listed above and at the administrative offices of the City of Macon.

Issued in Southern Region, April 9, 1992.

Samuel F. Austin,

Manager, Atlanta Airport District Office.

[FR Doc. 92–11050 Filed 5–11–92; 8:45 am]

BILLING CODE 4910–13–M

Noise Exposure Map Notice; Receipt of Noise Compatibility Program and Request for Review Orlando Executive Airport Orlando, FL

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces its determination that the revised future noise exposure map submitted by the Greater Orlando Aviation Authority, Orlando, Florida for Orlando Executive Airport under the provisions of Title I of the Aviation Safety and Noise Abatement Act of 1979 (Pub. L. 96–193) and 14 CFR part 150 is in compliance with applicable requirements. The FAA also announces that it is reviewing a proposed noise compatibility program that was submitted for Orlando Executive Airport under part 150 in conjunction with the noise exposure maps, and that this program will be approved or disapproved on or before October 21, 1992. This program was submitted subsequent to a determination by FAA that the associated existing noise exposure map submitted under 14 CFR part 150 for Orlando Executive Airport was in compliance with applicable requirements effective February 13, 1991.

EFFECTIVE DATE: The effective date of the FAA's determination on the revised future noise exposure map and of the start of its review of the associated noise compatibility program is April 24, 1992. The public comment period ends June 23, 1992.

FOR FURTHER INFORMATION CONTACT: Mr. Tommy J. Pickering, P.E., Federal Aviation Administration, Orlando Airports District Office, 9677 Tradeport Drive, suite 130, Orlando, Florida 32827–5397, (407) 648–6583. Comments on the proposed noise compatibility program should also be submitted to the above office.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA finds that the revised future noise exposure map submitted for Orlando Executive Airport is in compliance with applicable requirements of part 150, effective April 24, 1992. Further, FAA is reviewing a proposed noise compatibility program for that airport which will be approved or disapproved on or before October 21, 1992. This notice also announces the availability of this program for public review and comment.

Under section 103 of title I of the Aviation Safety and Noise Abatement Act of 1979 (hereinafter referred to as "the Act"), an airport operator may submit to the FAA noise exposure maps which meet applicable regulations and which depict noncompatible land uses as of the date of submission of such maps, a description of projected aircraft operations, and the ways in which such operations will affect such maps. The Act requires such maps to be developed in consultation with interested and affected parties to the local community, government agencies, and persons using the airport.

An airport operator who has submitted noise exposure maps that are found by FAA to be in compliance with the requirements of Federal Aviation Regulations (FAR) part 150, promulgated pursuant to Title I of the Act, may submit a noise compatibility program for FAA approval which sets forth the measures the operator has taken or proposes for the reduction of existing noncompatible uses and for the prevention of the introduction of additional noncompatible uses.

The Greater Orlando Aviation Authority, Orlando, Florida submitted to the FAA on June 11, 1991, December 6, 1992, January 31, 1992, and April 20, 1992, a revised future noise exposure map, descriptions and other documentation which were produced during the Orlando Executive Airport FAR Part 150 Study conducted between April, 1989 and April, 1992. It was requested that the FAA review this material as the future noise exposure map, as described in section 103(a)(1) of the Act, and that the noise mitigation measures, to be implemented jointly by the airport and surrounding communities, be approved as a noise

compatibility program under section 104(b) of the Act.

The FAA has completed its review of the revised future noise exposure map and related descriptions submitted by the Greater Orlando Aviation Authority, Orlando, Florida. The specific map under consideration is "1994 "Future Conditions" Noise Exposure Map [Abated]" in the submission. The FAA has determined that this map for Orlando Executive Airport is in compliance with applicable requirements. This determination is effective on April 24, 1992. FAA's determination on an airport operator's noise exposure maps is limited to a funding that the maps were developed in accordance with the procedures contained in appendix A of FAR part 150. Such determination does not constitute approval of the applicant's data, information or plans, or a commitment to approve a noise compatibility program or to fund the implementation of that program.

If questions arise concerning the precise relationship of specific properties to noise exposure contours depicted on a noise exposure map submitted under section 103 of the Act, it should be noted that the FAA is not involved in any way in determining the relative locations of specific properties with regard to the depicted noise contours, or in interpreting the noise exposure maps to resolve questions concerning, for example, which properties should be covered by the provisions of section 107 of the Act. These functions are inseparable from the ultimate land use control and planning agencies with which consultation is required under Section 103 of responsibilities of local government. These local responsibilities are not changed in any way under part 150 or through FAA's review of noise exposure maps. Therefore, the responsibility for the detailed overlaying of noise exposure contours onto the map depicting properties on the surface rests exclusively with the airport operator which submitted those maps, or with those public agencies and planning agencies with which consultation is required under Section 103 of the Act. The FAA has relied on the certification by the airport operator, under § 150.21 of FAR part 150, that the statutorily required consultation has been accomplished.

The FAA has formally received the noise compatibility program for Orlando Executive Airport, also effective on April 24, 1992. Preliminary review of the submitted material indicates that it conforms to the requirements for the submittal of noise compatibility programs, but that further review will be necessary prior to approval or disapproval of the program. The formal review period, limited by law to a maximum of 180 days, will be completed on or before October 21, 1992.

The FAA's detailed evaluation will be conducted under the provisions of 14 CFR part 150, § 150.33. The primary considerations in the evaluation process are whether the proposed measures may reduce the level of aviation safety, create an undue burden on interstate or foreign commerce, or be reasonably consistent with obtaining the goal of reducing existing noncompatible land uses and preventing the introduction of additional noncompatible land uses.

Interested persons are invited to comment on the proposed program with specific reference to these factors. All comments, other than those properly addressed to local land use authorities, will be considered by the FAA to the extent practicable. Copies of the noise exposure maps, the FAA's evaluation of the maps, and the proposed noise compatibility program are available for examination at the following locations:

Federal Aviation Administration, Orlando Airports District Office, 9677 Tradeport Drive, suite 130, Orlando, Florida 32827–5397.

Mr. George W. Seal, Director of Engineering and Construction, Greater Orlando Aviation Authority, Orlando International Airport, One Airport Boulevard, Orlando, Florida 32827–4399.

Questions may be directed to the individual named above under the heading, **FOR FURTHER INFORMATION CONTACT:**

Issued in Orlando, Florida April 24, 1992.

John W. Reynolds, Jr.,

Assistant Manager, Orlando Airports District Office.

[FR Doc. 92–11049 Filed 5–11–92; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

Dated: May 4, 1992.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96–511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 3171 Treasury Annex, 1500 Pennsylvania Avenue NW., Washington, DC 20220.

Internal Revenue Service

OMB Number: 1545–0170.
Form Number: IRS Form 4466.
Type of Review: Extension.
Title: Corporation Application for Quick Refund of Overpayment of Estimated Tax.
Description: Form 4466 is used by a corporation to file for an adjustment (quick refund) of overpayment of estimated income tax for the tax year. This information is used to process the claim, so the refund can be issued.
Respondents: Farms, Businesses or other for-profit, Small businesses or organizations.
Estimated Number of Responses/ Recordkeepers: 16,125.

Estimated Burden Hours Per Respondent/Recordkeeper

Recordkeeping—3 hours, 35 minutes.
Learning about the law or the form—12 minutes.
Preparing and sending the form to IRS—16 minutes.
Frequency of Response: On occasion.
Estimated Total Reporting Burden: 65,306 hours.

OMB Number: 1545–1083.
Regulation ID Number: INTL–0399–88 NPRM and INTL–961–86 TEMP.
Type of Review: Extension.
Title: Treatment of Dual Consolidated Losses.
Description: Section 1503(d) denies use of the losses of one domestic corporation by another affiliated domestic corporation where the loss corporation is also subject to the income tax of another country. The regulation allows an affiliate to make use of the loss if the loss has not been used in the foreign country and if an agreement is attached to the income tax return of the dual resident corporation or group, to take the loss into income upon future use of the loss in the foreign country. The regulation also requires separate accounting for a dual consolidated loss where the dual resident corporation files a consolidated return.
Respondents: Businesses or other for-profit, Small businesses or organizations.
Estimated Number of Responses: 400.
Estimated Burden Hours Per Respondent: 45 minutes.
Frequency of Response: Annually.
Estimated Total Reporting Burden: 300 hours.

Clearance Officer: Garrick Shear, (202) 535–4297, Internal Revenue Service, room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.

OMB Reviewer: Milo Sunderhauf, (202) 395–6880, Office of Management and Budget, room 3001, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 92–11019 Filed 5–11–92; 8:45 am]

BILLING CODE 4830–01–M

[Number: 15–51]

Secret Service Uniformed Division Functions; Directive

Dated: May 6, 1992.

Subject: The Director, U.S. Secret Service, is delegated the authority to perform the functions of the Secretary of the Treasury with respect to the U.S. Secret Service Uniformed Division under the laws of the District of Columbia relating to the Metropolitan Police Force, and with respect to other employees of the U.S. Secret Service to which those laws are applicable.

2. *Cancellation.* Treasury Directive 15–51, "Executive Protection Service Functions," dated September 4, 1986, is superseded.

3. *Office of Primary Interest.* Office of the Assistant Secretary (Enforcement).

Peter K. Nunez,

Assistant Secretary (Enforcement).

[FR Doc. 92–11084 Filed 5–11–92; 8:45 am]

BILLING CODE 4810–25–M

DEPARTMENT OF VETERANS AFFAIRS

Secretary's Educational Assistance Advisory Committee Meeting

The Department of Veterans Affairs gives notice that a meeting of the Secretary's Educational Assistance Advisory Committee, authorized by 38 U.S.C. 3692, will be held on May 31, 1992, from 2:30 p.m. to 4:30 p.m. and on June 1, 1992, from 8:30 a.m. to 4:30 p.m. The meeting will take place in the St. Petersburg Junior College District Office in Pinellas Park, 8580 66th Street North, Florida 34629. The purpose of the meeting will be to discuss Veterans Affairs education issues with students and representatives of the various schools in the area.

The meeting will be open to the public up to the seating capacity of the conference room. Due to the limited seating capacity, it will be necessary for those wishing to attend to contact Mrs. Celia Dollarhide, Executive Secretary, Veterans' Education Advisory Committee (phone 202–233–2152) prior to May 27, 1992.

Interested persons may attend, appear before, or file statements with the Committee. Statements, if in written form, may be filed before or within 10 days after the meeting. Oral statements will be heard at 10 a.m. on June 1, 1992.

Dated: May 4, 1992.

By direction of the Secretary:

Diane H. Landis,

Committee Management Officer.

[FR Doc. 92–11039 Filed 5–11–92; 8:45 am]

BILLING CODE 8320–01–M

Sunshine Act Meetings

Federal Register
Vol. 57, No. 92
Tuesday, May 12, 1992

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: 10:00 a.m., Wednesday, May 13, 1992.

LOCATION: Room 556, Westwood Towers, 5401 Westbard Avenue, Bethesda, Maryland.

STATUS: Open to the Public.

MATTERS TO BE CONSIDERED:

1. Pride in Public Service Award

The Commission will present the Pride in Public Service Award to May's recipient.

2. FY 94 Priorities

The Commission will consider priorities for Fiscal Year 1994.

For a Recorded Message Containing the Latest Agenda Information, Call (301) 504–0709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, Md. 20207 (301) 504–0800.

Dated: May 6, 1992.

Sheldon D. Butts,

Deputy Secretary.

[FR Doc. 92–11256 Filed 5–8–92; 2:41 pm]

BILLING CODE 6355–01–M

DEPARTMENT OF ENERGY

FEDERAL ENERGY REGULATORY COMMISSION

Notice of Closed Meeting

The following notice of meeting is published pursuant to Section 3(a) of the Government in the Sunshine Act (Pub. L. No. 94–409), 5 U.S.C. 552b:

DATE AND TIME: May 13, 1992, 9:00 a.m.

PLACE: 825 North Capitol Street, N.E. Room 9306, Washington, D.C. 20426.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

(1) Webster Hydroelectric Company, Project No. 5824.

(2) Arizona Corporation Commission v. El Paso Natural Gas Company, Docket No. CP91–151–000, *et al.*

(3) Indicated Shippers v. El Paso Natural Gas Company, Docket Nos. CP91–732–000 and CP88–332–010.

(4) ANR Pipeline Company.

CONTACT PERSON FOR MORE INFORMATION: Lois D. Cashell, Secretary, Telephone (202) 208–0400.

Dated: May 6, 1992.

Lois D. Cashell,

Secretary.

[FR Doc. 92–11184 Filed 5–7–92; 4:44 pm]

BILLING CODE 6717–07–M

DEPARTMENT OF ENERGY
FEDERAL ENERGY REGULATORY COMMISSION

Notice

The following notice of meeting is published pursuant to section 3(a) of the Government in the Sunshine Act (Pub. L. No. 94–409), 5 U.S.C. 552b:

DATE AND TIME: May 13, 1992; 10:00 a.m.

PLACE: 825 North Capitol Street; N.E., room 9306, Washington, D.C. 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

Note—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: Lois D. Cashell, Secretary, Telephone (202) 208–0400. For a recording listing items stricken from or added to the meeting, call (202) 208–1627.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda; however, all public documents may be examined in the Reference and Information Center.

Consent Agenda—Hydro, 958th Meeting—May 13, 1992, Regular Meeting (10:00 a.m.)

CAH–1.
Project No. 10663–003, Iliamna-Newhalen-Nondalton Electric Cooperative, Inc.
CAH–2.
Project No. 2494–003, Puget Sound Power & Light Company
CAH–3.
Project No. 6329–004, Intermountain Power Corporation
CAH–4.
Docket No. HB20–85–003, Louisville Gas and Electric Company
CAH–5.
Project No. 6902–015, City of New Martinsville, West Virginia
Project No. 9042–011, Gallia Hydro Partners
CAH–6.
Project No. 7019–017, City of Forsyth, Georgia
CAH–7.
Project No. 9952–003, Warren Osborn
CAH–8.
Omitted
CAH–9.
Omitted
CAH–10.
Omitted
CAH–11.
Project Nos. 6786–015, 016, 6962–014 and 015, Yankee Hydro Corporation
Project Nos. 9694–008 and 009, Power Resource Development Corporation

Consent Agenda—Electric

CAE–1.
Docket No. ER92–64–000, Northeast Utilities Service Company
Docket No. ER92–86–000, Western Massachusetts Electric Company
CAE–2.
Docket No. ER92–330–000, Green Mountain Power Corporation
CAE–3.
Docket No. ER91–301–000, Montaup Electric Company and Newport Electric Corporation
CAE–4.
Docket No. ER92–400–000, People's Electric Cooperative
CAE–5.
Docket No. AI91–1–001, Dow Corning Corporation
CAE–6.
Docket No. ER91–559–002, Iowa Southern Utilities Company
CAE–7.
Docket No. ER92–198–003, Consumers Power Company
CAE–8.
Docket No. ER92–297–001, Ohio Edison Company
CAE–9.
Docket No. ER92–122–002, Mississippi Power Company
CAE–10.
Docket No. ER92–110–001, PacifiCorp Electric Operations
CAE–11.
Docket No. EL91–56–001, Houlton Water Company, Van Buren Light and Power District, and Eastern Maine Electric Cooperative, Inc. v. Maine Public Service Company
CAE–12.
Omitted
CAE–13.
Docket No. FA85–71–007, Central Illinois Public Service Company
CAE–14.
Docket Nos. ES92–2–001, ES92–3–001 and EL92–20–000, UtiliCorp United Inc.

Consent Agenda—Oil and Gas

CAG–1.
Docket No. RP92–154–000, Colorado Interstate Gas Company
CAG–2.
Docket Nos. GT92–17–000 and 001, El Paso Natural Gas Company
CAG–3.

Docket No. TA92-2-18-003, Texas Gas Transmission Corporation
CAG-4.
Docket No. RP92-68-001, Panhandle Eastern Pipe Line Company
CAG-5.
Docket No. RP92-153-000, Texas Gas Transmission Corporation
CAG-6.
Docket No. CP88-391-011, Transcontinental Gas Pipe Line Corporation
CAG-7.
Docket Nos. RP91-152-016 and RP89-183-039, Williams Natural Gas Company
CAG-8.
Docket No. RP92-114-002, Williams Natural Gas Company
CAG-9.
Docket Nos. RP92-16-004 and RP88-44-035, El Paso Natural Gas Company
CAG-10.
Docket No. CP92-233-002, El Paso Natural Gas Company
CAG-11.
Docket Nos. CP88-391-009, RP73-3-012, CP91-2819-001, RP82-55-051, RP85-148-012, CP72-255-004, CP89-759-010, CP90-2228-003, CP90-2229-003, RP87-7-075, CP90-2230-004, CP89-728-003, CP89-790-003, CP88-273-002, CP88-328-007, CP89-1916-004, RP90-8-009, RP90-15-002, CP90-499-002, CP84-146-009, CP84-336-007, G-12503-002, G-12059-002, RP82-55-051 and RP88-167-004, Transcontinental Gas Pipe Line Corporation
CAG-12.
Docket Nos. RP91-47-003 and TM91-4-16-001, National Fuel Gas Supply Corporation
CAG-13.
Docket Nos. RP92-64-001 and RP92-23-002, Natural Gas Pipeline Company of America
CAG-14.
Docket Nos. RP86-10-015 and 016, Williston Basin Interstate Pipeline Company
CAG-15.
Docket Nos. RP88-115-001, RP90-104-000, RP90-192-000 and CP88-686-005, Texas Gas Transmission Corporation
CAG-16.
Docket No. TA91-1-31-006, Arkla Energy Resources, a division of Arkla, Inc.
CAG-17.
Docket No. RP91-209-001, Texas Eastern Transmission Corporation
CAG-18.
Docket No. PL91-2-001, Interstate Natural Gas Pipeline Rate Design
CAG-19.
Docket No. RP91-49-004, Arkla Energy Resources
CAG-20.
Docket No. RP92-122-000, Trunkline LNG Company
Docket Nos. RP92-123-000 and RP92-124-000, Trunkline Gas Company
Docket No. RP92-125-000, Panhandle Eastern Pipe Line Company
CAG-21.
Docket Nos. RP91-111-004, CP91-2649-001 and SA91-8-001, North Penn Gas Company
CAG-22.
Omitted
CAG-23.
Docket No. CP88-136-029, Texas Eastern Transmission Corporation
CAG-24.
Docket No. CP92-264-001, Kern River Gas Transmission Company
CAG-25.
Docket No. CP91-1111-001, Algonquin Gas Transmission Company
Docket No. CP91-3236-001, Distrigas of Massachusetts Corporation
CAG-26.
Docket No. CP91-2828-002, CP91-2832-002, CP91-2847-002, CP91-2848-002, CP91-2849-002, CP91-2850-002, and CP91-2851-002, Columbia Gas Transmission Corporation
CAG-27.
Docket No. CP92-340-000, Chattanooga Gas Company
CAG-28.
Docket No. CP91-2206-000, Tennessee Gas Pipeline Company
Docket No. CP89-6661-005, 012 and 016, Algonquin Gas Transmission Company
Docket No. CP92-245-000, Iroquois Gas Transmission System, L.P.
CAG-29.
Docket No. CP92-109-000, Equitrans, Inc.
CAG-30. Omitted
CAG-31.
Docket No. CP92-303-000, Natural Gas Pipeline Company of America
CAG-32.
Docket No. CP88-137-006, ANR Pipeline Company
Docket No. CP89-1953-002, ANR Storage Company
Docket No. CP89-1554-007, Colorado Interstate Gas Company
Docket No. CP89-1627-002, Williams Natural Gas Company
Docket No. CP88-651-007, Northwest Pipeline Company
Docket No. CP88-314-003, Natural Gas Pipeline Company of America
Docket No. CP90-186-008, Texas Eastern Transmission Corporation
Docket No. CP91-1252-006, Questar Pipeline Company
Docket No. CP92-462-000, Panhandle Eastern Pipeline Company
CAG-33.
Docket No. RP91-206-001, Columbia Gas Transmission Corporation
CAG-34.
Docket No. CP90-644-002, Columbia Gas Transmission Corporation and Commonwealth Gas Pipeline Corporation
CAG-35.
Docket No. CP91-1627-000, Tennessee Gas Pipeline Company
CAG-36.
Docket No. CP92-479-000, New York State Electric and Gas Corporation

Hydro Agenda

H-1.
Reserved

Electric Agenda

E-1.
Reserved

Oil and Gas Agenda

I. Pipeline Rate Matters

PR-1.
Reserved

II. Producer Matters

PF-1.
Reserved

III. Pipeline Certificate Matters

PC-1.
Docket No. CP91-1983-000, Algonquin Gas Transmission Company. Order on application to construct and operate a 3.1 mile line to provide firm transportation of gas to the Milford Power Plant.

Dated: May 6, 1992.

Lois D. Cashell,

Secretary.

[FR Doc. 92-11150 Filed 5-7-92; 4:44 pm]

BILLING CODE 6717-01-M

FARM CREDIT ADMINISTRATION

Farm Credit Administration Board; Regular Meeting

SUMMARY: Notice is hereby given, pursuant to the Government in the Sunshine Act (5 U.S.C. 552b(e)(3)), of the forthcoming regular meeting of the Farm Credit Administration Board (Board).

DATE AND TIME: The regular meeting of the Board will be held at the offices of the Farm Credit Administration in McLean, Virginia, on May 14, 1992, from 10:00 a.m. until such time as the Board may conclude its business.

FOR FURTHER INFORMATION CONTACT: Curtis M. Anderson, Secretary to the Farm Credit Administration Board, (703) 883-4003, TDD (703) 883-4444.

ADDRESS: Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090.

SUPPLEMENTARY INFORMATION: Parts of this meeting of the Board will be open to the public (limited space available), and parts of this meeting will be closed to the public. The matters to be considered at the meeting are:

Open Session

A. Approval of Minutes

B. Reports of Officers, Board, and Standing Committees

1. Budget Status

C. Unfinished Business

1. Regulations

a. Suspension of Capital Regulation (Proposed).

D. New Business

1. Regulations

a. Director Compensation Regulation (Proposed).

b. Human Resources Management Regulation (Proposed).

2. Other

a. National Bank for Cooperatives' Financial Risk Management for Customers Policy

Closed Session*

A. New Business

1. Enforcement Actions

Dated: May 8, 1992.

Curtis M. Anderson,

Secretary, Farm Credit Administration Board.

[FR Doc. 92-11255 Filed 5-8-92; 2:41 am]

BILLING CODE 6705-01-M

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

TIME AND DATE: 10:00 a.m., Thursday, May 14, 1992.

PLACE: Room 600, 1730 K Street, N.W., Washington, D.C.

STATUS: Closed [Pursuant to 5 U.S.C. § 552b(c)(10)].

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. *In Re: Contests of Respirable Dust Sample Alteration Citations*, Master Docket No. 91-1. (Consideration of two petitions for interlocutory review; issues include whether the judge erred, in orders entered September 13, 1991, September 27, 1991 and October 7, 1991, with respect to discovery motions filed by the Contestants and the Secretary of Labor.)

It was determined by a unanimous vote of the Commissioners that these matters be discussed in closed session.

CONTACT PERSON FOR MORE INFO: Jean Ellen (202) 653-5629/(202) 708-9300 for TDD Relay/1-800-877-8339 for toll free.

Dated: May 7, 1992.

Jean H. Ellen,

Agenda Clerk.

[FR Doc. 92-11276 Filed 5-8-92; 3:31 pm]

BILLING CODE 6735-01-M

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

TIME AND DATE: 12:00 noon, Monday, May 18, 1992.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, DC 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204. You may call (202) 452-3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: May 8, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92-11277 Filed 5-8-92; 3:31 pm]

BILLING CODE 6210-01-M

UNITED STATES INTERNATIONAL TRADE COMMISSION

[USITC SE-92-10]

TIME AND DATE: May 20, 1992 at 11:00 a.m.

PLACE: Room 101, 500 E Street SW., Washington, DC 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Inv. 731-TA-546, 547 (Preliminary) (Steel wire rope from Korea and Mexico)—briefing and vote.

2. Inv. 731-TA-548-551 (Preliminary) (Sulfur dyes from China, Hong Kong, India and the United Kingdom)—briefing and vote.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary, (202) 205-2000.

Dated: April 27, 1992.

Kenneth R. Mason,

Secretary.

[FR Doc. 92-11232 Filed 5-8-92; 2:41 pm]

BILLING CODE 7020-02-M

UNITED STATES INTERNATIONAL TRADE COMMISSION

[USITIC SE-92-11]

TIME AND DATE: May 22, 1992 at 11:00 a.m.

PLACE: Room 101, 500 E Street S.W., Washington, DC 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratification List.
4. Petitions and complaints.
5. Inv. 701-TA-314-317 (Preliminary) and 731-TA-552-555 (Preliminary) (Certain hot-rolled lead and bismuth carbon steel products from Brazil, France, Germany and the United Kingdom)—briefing and vote.
6. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary, (202) 205-2000.

Dated: April 27, 1992.

Kenneth R. Mason.

Secretary.

[FR Doc. 92-11232 Filed 5-8-92; 2:41 pm]

BILLING CODE 7020-02-M

LEGAL SERVICES CORPORATION

Board of Directors Meeting

TIME AND DATE: A meeting of the Board of Directors will be held on May 18, 1992. The meeting will commence at 10:30 a.m.

PLACE: The Marriott Suites Alexandria, 801 North St. Asaph Street, The Conference Center, Alexandria, Virginia 22314, (703) 836-4700.

STATUS OF MEETING: *Open*, except that a portion of the meeting may be closed if a majority of the Board of Directors votes to hold an executive session. At the closed session, pursuant to receipt of the aforementioned vote, the Board of Directors will consider and vote on approval of the draft minutes of executive sessions held on April 6, 1992 and April 27, 1992. In addition, the Board of Directors will hear and consider the report of the General Counsel on litigation to which the Corporation is a party. The Board of Directors will also receive and consider a report on current investigations from the Inspector General. The closing will be authorized by the relevant sections of the Government in the Sunshine Act [5 U.S.C. Sections 552b(c) (7) and (10)], the corresponding regulation of the Legal Services Corporation [45 CFR Sections 1622.5 (f) and (h)].[3] The closing will be certified by the Corporation's General Counsel as authorized by the above-cited provisions of law. A copy of the General Counsel's certification will be posted for public inspection at the Corporation's headquarters located at 400 Virginia Avenue, S.W., Washington, D.C., 20024, in its three reception areas, and will otherwise be available upon request.

MATTERS TO BE CONSIDERED:

OPEN SESSION:

1. Approval of Agenda.
2. Approval of Minutes of April 6, 1992 and April 27, 1992 Meetings.
3. Presentation by Robert Raven, Chair, American Bar Association Standing Committee on Alternative Dispute Resolution, Regarding Alternative Dispute Resolution Mechanisms.
4. Presentation by Johnathan Asher, Executive Director, the Legal Aid Society of

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* Session closed to the public—exempt pursuant to 5 U.S.C. 552b(c) (8) and (9).

Session closed to the public—exempt pursuant to 5 U.S.C. 552b(c)(8) and (9).

[3] As to the Board's consideration and approval of the draft minutes of the executive sessions held on April 6, 1992 and April 27, 1992, the closing is authorized as noted in the **Federal Register** notices corresponding to those Board meetings.

Metropolitan Denver, Inc., Regarding Alternative Dispute Resolution Mechanisms.
5. Chairman's and Members' Reports.
6. President's Report.
a. Legislative Report.
b. Presentations by James Caldwell, Chief Deputy Clerk, and Sandra Montrose, Executive Attorney to the Chief Judge, U.S. Veterans' Court of Appeals, Regarding the Veterans' Grant Project.
c. Support Center Reporting Requirements.

Closed Session [4]

7. Approval of Minutes of Executive Sessions Held on April 6, 1992 and April 27, 1992.
8. Consideration of Report by Inspector General on Current Investigations and Other Matters.
9. Consideration of the General Counsel's Report on Pending Litigation to which the Corporation is a Party.

Open Session—(Resumed)

10. Consideration of Staff Report on the Insurance Project.
a. Presentation by Gary Hurst, Vice President and Chief Operating Officer of Corporate Insurance Management, Inc., Regarding the Insurance Project.
11. Inspector General's Report.
12. Consideration of Operations and Regulations Committee Report.
13. Consideration of Special Reauthorization Committee Report.
14. Consideration of Provision for the Delivery of Legal Services Committee Report.
15. Consideration of Audit and Appropriations Committee Report.
a. Draft Investment Policy.
b. Resolution Regarding the Investment of Unused Corporation Funds.
c. Internal Budgetary Adjustments.
d. Reallocation of Fiscal Year 1992 Consolidated Operating Budget.
e. Building Contributions for Furniture and Equipment.
16. Consideration of Office of the Inspector General Oversight Committee Report.
17. Ratification of Board Actions Related to:
a. Resolution on the Internal Processing of Transcripts of Closed Meetings of the Board.
b. Notational Vote Taken during the Period of April 29–30, 1992 to Release a Portion of a Transcript of a Closed Meeting of the Board to a Third Party.
18. Consideration of Other Business.

CONTACT PERSON FOR INFORMATION: Patricia D. Batie, Executive Office, (202) 863–1839.

Date Issued: May 8, 1992.

Patricia D. Batie,

Corporate Secretary.

[FR Doc. 92–11282 Filed 5–8–92; 8:45 am]

BILLING CODE 7050–01–M

[4] It is anticipated that the executive session will conclude at approximately 1:15 p.m. The open session will reconvene immediately thereafter.

LEGAL SERVICES CORPORATION BOARD OF DIRECTORS

Operations and Regulations Committee Meeting

TIME AND DATE: A meeting of the Board of Directors Operations and Regulations Committee will be held on May 18, 1992. The meeting will commence at 9:00 a.m.

PLACE: The Marriott Suites Alexandria, 801 North St. Asaph Street, The Conference Center, Alexandria, Virginia 22314, (703) 836–4700.

STATUS OF MEETING: Open.

MATTERS TO BE CONSIDERED:

OPEN SESSION:

1. Approval of Agenda.
2. Approval of Minutes of April 7, 1992 Meeting.
3. Consideration of Report By Staff Regarding Competition Demonstration Projects.

CONTACT PERSON FOR INFORMATION: Patricia Batie, Executive Office, (202) 863–1839.

Date Issued: May 8, 1992.

Patricia D. Batie

Corporate Secretary.

[FR Doc. 92–11183 Filed 5–8–92; 8:45 am]

BILLING CODE 7050–01–M

LEGAL SERVICES CORPORATION BOARD OF DIRECTORS

Provision for the Delivery of Legal Services Committee Meeting

TIME AND DATE: A meeting of the Board of Directors Provision for the Delivery of Legal Services Committee will be held on May 17, 1992. The meeting will commence at 2 p.m.

PLACE: The Marriott Suites Alexandria, 801 North St. Asaph Street, The Conference Center, Alexandria, Virginia 22314, (703) 836–4700.

STATUS OF MEETING: Open.

MATTERS TO BE CONSIDERED:

1. Approval of Agenda.
2. Approval of April 5, 1992 and April 7, 1992 Meeting Minutes.
3. Consideration of Status Report on the Innovative and Meritorious Grant Award Project.
4. Consideration of Vehicles Through Which the Corporation Could Assist LSC-Funded Grantees To Recruit and Retain Staff Attorneys.
5. Consideration of Public Comment Received on April 7, 1992 Regarding Alternative Dispute Resolution Mechanisms in the Delivery of Legal Services to the Poor.
a. Presentation by Alan Houseman, Executive Director, Center for Law and Social Policy, Regarding Alternative Dispute Resolution Mechanisms.
b. Presentation by Michael Lewis, Center for Dispute Settlement, Regarding Alternative Dispute Resolution Mechanisms.
c. Presentation by Phyllis Hanfling, U.S. Arbitration and Mediation of Metropolitan Washington, D.C., Regarding Alternative Dispute Resolution Training.

CONTACT PERSON FOR INFORMATION: Patricia Batie, Executive Office, (202) 863–1839.

Dated Issued: May 8, 1992.

Patricia D. Batie,

Corporate Secretary.

[FR Doc. 92–11184 Filed 5–8–92; 11:39 am]

BILLING CODE 7050–01–M

NUCLEAR REGULATORY COMMISSION

DATE: Weeks of May 11, 18, 25, and June 1, 1992.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Open and Closed.

MATTERS TO BE CONSIDERED:

Week of May 11

Monday, May 11

8:30 a.m.
Discussion on Internal Management Issues (Closed—Ex. 2)
10:00 a.m.
Briefing on Proposed Transfer of PSNH Ownership of Seabrook to Northeast Utilities (Public Meeting)

Wednesday, May 13

12:00 noon
Affirmative/Discussion and Vote (Public Meeting) (if needed)

Week of May 18—Tentative

Wednesday, May 20

11:30 a.m.
Affirmative/Discussion and Vote (Public Meeting) (if needed)

Week of May 25—Tentative

Wednesday, May 27

11:30 a.m.
Affirmative/Discussion and Vote (Public Meeting) (if needed)

Week of June 1—Tentative

Monday, June 1

10:00 a.m.
Annual Briefing on Medical Use of Byproduct Material (Public Meeting)
1:30 p.m.
Briefing on Rulemaking Procedures for Design Certification Under Part 52 (Public Meeting)

Tuesday, June 2

10:30 a.m.
Briefing on Status of Licensed Operator Requalification Program (Public Meeting)

Wednesday, June 3

10:00 a.m.
Briefing by INPO on National Academy for Nuclear Training (Public Meeting)
11:30 a.m.

Affirmative/Discussion and Vote (Public Meeting) (if needed)

2:00 p.m.

Briefing by GE on Status of ABWR Application for Design Certification (Public Meeting)

Note: Affirmative sessions are initially scheduled and announced to the public on a time-reserved basis. Supplementary notice is provided in accordance with the Sunshine Act as specific items are identified and added to the meeting agenda. If there is no specific subject listed for affirmation, this means that no item has as yet been identified as requiring any Commission vote on this date.

To verify the Status of Meeting Call (Recording)—(301) 504–1292.

CONTACT PERSON FOR MORE INFORMATION: William Hill (301) 504–1661.

Dated: May 8, 1992.

John C. Hoyle,

Office of the Secretary.

[FR Doc. 92–11257 Filed 5–8–92; 8:45 am]

BILLING CODE 7590–01–M

UNITED STATES POSTAL SERVICE BOARD OF GOVERNORS

Notice of Vote to Amend Agenda

At the May 4, 1992, meeting of the Board of Governors, noticed in the **Federal Register** on April 24, 1992, (57 FR 15119) the Governors, while in executive session, voted unanimously to add to the agenda of the meeting consideration of the appointment of a new Postmaster General and that no earlier public announcement of the new item on the agenda was possible. The Governors were of the opinion that public access to the discussion would be likely to disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy, not only in regard to the privacy of the person immediately affected, but also in regard to the privacy of others who might be discussed.

Accordingly, the Governors determined that, pursuant to section 552b(c)(6) of title 5, United States Code, and section 7.3(f) of title 39, Code of Federal Regulations, discussion of the matter was properly closed to public observation.

David F. Harris,

Secretary.

[FR Doc. 92–11224 Filed 5–8–92; 2:42 pm]

BILLING CODE 7710–12–M

FEDERAL COMMUNICATIONS COMMISSION

FCC To Hold Open Commission Meeting, Thursday, May 14, 1992

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Thursday, May 14, 1992, which is scheduled to commence at 9:30 a.m., in Room 856, at 1919 M Street, NW., Washington, DC.

Item No.-Bureau, and Subject

1—Common Carrier—Title: Revision of Part 22 of the Commission's Rules Governing the Public Mobile Services. Summary: The Commission will consider adoption of a *Notice of Proposed Rule Making* to revise Part 22 of the rules, which governs the public mobile radio services.

2—Common Carrier—Title: Petitions for Rulemaking Concerning Proposed Changes to the Commission's Cellular Resale Policies (CC Docket No. 91–33). Summary: The Commission will consider adoption of a *Report and Order* concerning the Commission's Cellular resale policies.

3—Common Carrier—Title: Bundling of Cellular Customer Premises Equipment and Cellular Service (CC Docket No. 91–34). Summary: The Commission will consider adoption of a *Report and Order* concerning the Commission's policies governing the joint marketing of cellular equipment and service.

4—Mass Media—Title: Amendment of part 73 of the Commission's Rules Regarding Broadcast Hoaxes (MM Docket No. 91–314). Summary: The Commission will consider adoption of a *Report and Order* concerning broadcast hoaxes that are harmful to the public.

5—Mass Media—Title: Review of the Commission's Regulations Governing Television Broadcasting (MM Docket No. 91–221). Summary: The Commission will consider adoption of a *Notice of Proposed Rule Making* to explore changes to television market structure rules in view of the current state of the video marketplace.

6—Mass Media General Counsel—Title: Reconsideration of Political Programming Policies (MM Docket No. 91–68). Summary: The Commission will consider adoption of a *Memorandum Opinion and Order* concerning 11 petitions for reconsideration of its December 23, 1991 Report and Order which set forth comprehensive rules governing broadcast and cable political broadcasting.

7—General Counsel—Title: Reconsideration of Declaratory Ruling Preempting State Causes of Action Involving Breaches of Duties Arising Under Section 315(b). Summary: The Commission will consider adoption of an *Order on Reconsideration* concerning two petitions for reconsideration of its December 1991 declaratory ruling preempting state causes of action involving alleged violations of Section 315(b).

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Steve Svab, Office of Public Affairs, telephone number (202) 632–5050.

Federal Communications Commission.

Issued May 7, 1992.

Donna R. Searcy,

Secretary.

[FR Doc. 92–11192 Filed 5–8–92; 4:16 pm]

BILLING CODE 6712–01–M

Corrections

Federal Register
Vol. 57, No. 92
Tuesday, May 12, 1992

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. 92-006N]

Exemption for Retail Stores; Adjustment of Dollar Limitations

Correction

In notice document 92-7024 appearing on page 10456 in the issue of Thursday, March 26, 1992, in the third column, in the third full paragraph, in the sixth line, "$38,000" should read "$38,300".

BILLING CODE 1505-01-D

DEPARTMENT OF COMMERCE

International Trade Administration

Applications for Duty-Free Entry of Scientific Instruments; Vanderbilt School of Medicine et al.

Correction

In notice document 92-9114 beginning on page 14387, in the issue of Monday, April 20, 1992, make the following corrections:

1. On page 14387, in the third column, in the first paragraph, in the fouth line, "89-561" should read "89-651".

2. On page 14388, in the first column, under Docket Number 92-034, in the fifth line, "German" should read "Germany.".

BILLING CODE 1505-01-D

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket 7-92]

Proposed Foreign-Trade Zone - Pinellas County, FL (St. Petersburg Port of Entry); Application Filed

Correction

In notice document 92-8081 beginning on page 11934 in the issue of Wednesday, April 8, 1992, the heading should read as set forth above.

BILLING CODE 1505-01-D

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 570]

Resolution and Order Approving With Restriction, Greater Rockford Airport Authority, for Special-Purpose Subzone Status, Milk Specialties Company (Animal Feed Products); Dundee, IL

Correction

In notice document 92-8254 beginning on page 12292 in the issue of Thursday, April 9, 1992, the heading should read as set forth above.

BILLING CODE 1505-01-D

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 569]

Resolution and Order Approving With Restriction Port of Portland (OR), for Special-Purpose Subzone Status, Continental Mills, Inc., Plant (Food Products); Pendleton, OR

Correction

In notice document 92-8255 beginning on page 12293 in the issue of Thursday, April 9, 1992, the Order No. and the heading should read as set forth above.

BILLING CODE 1505-01-D

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 672 and 675

[Docket No. 911177-2016]
RIN 0648-AE45

Groundfish of the Gulf of Alaska, Groundfish Fishery of the Bering Sea and Aleutian Islands Area; Correction

Correction

In rule document 92-9535 beginning on page 15031 in the issue of Friday, April 24, 1992, make the following corrections:

1. In the third column, under **SUPPLEMENTARY INFORMATION**, in the last line of the first paragraph, "50 CFR 657.20(a)(8)", should read "50 CFR 675.20(a)(8)".

2. On page 15032, in the first column, in the file line at the end of the document, "FR Doc. 92-9335" should read "FR Doc. 92-9535".

BILLING CODE 1505-01-D

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018-AB52

Endangered and Threatened Wildlife and Plants; Proposed Designation of Critical Habitat for the Silver Rice Rat

Correction

In proposed rule document 92-10707 beginning on page 19585 in the issue of Thursday, May 7, 1992, on page 19585, in the second column, under **DATES**, in the second line, "September 4, 1992" should read "August 5, 1992".

BILLING CODE 1505-01-D

INTERNATIONAL TRADE COMMISSION

[Investigations Nos. 701-TA-314 through 317 (Preliminary), and Investigations Nos. 731-TA-552 through 555 (Preliminary)]

Certain Hot-Rolled Lead and Bismuth Carbon Steel Products From Brazil France, Germany, and the United Kingdom

Correction

In notice document 92-9040 beginning on page 14431 in the issue of Monday, April 20, 1992, the heading should read as set forth above.

BILLING CODE 1505-01-D

federal register

Tuesday
May 12, 1992

Part II

Department of Commerce

National Oceanic and Atmospheric Administration

Taking of Marine Mammals Incidental to Commercial Fishing Operations; Interim Exception for Commercial Fisheries; Notice

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. 911298-2099]

Taking of Marine Mammals Incidental to Commercial Fishing Operations; Interim Exemption for Commercial Fisheries

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of final list of fisheries for 1992.

SUMMARY: NMFS issues this final List of Fisheries for 1992 associated with the interim exemption for the taking of marine mammals incidental to commercial fishing operations under section 114 of the Marine Mammal Protection Act of 1972 (MMPA) to become effective May 12, 1992. The original list was published on April 20, 1989 (54 FR 16072). Section 114 requires NMFS to update the list at least once each year.

EFFECTIVE DATES: The list of fisheries for 1992 is effective May 12, 1992. Vessel owners who will operate in Category I or II for the first time have until June 11, 1992 to register.

FOR FURTHER INFORMATION CONTACT: Robert C. Ziobro, Office of Protected Resources, National Marine Fisheries Service, 1335 East-West Highway, Silver Spring, MD 20910, 301–713–2322; Steve Zimmerman, Alaska Region, National Marine Fisheries Service, P.O. Box 21668, Juneau, AK 99802, 907–586–7235; Brent Norberg, Northwest Region, National Marine Fisheries Service, 7600 Sand Point Way NE, Seattle, WA 98115, 206–526–6110; James Lecky, Southwest Region, National Marine Fisheries Service, 501 W. Ocean Boulevard, Suite 4200, Long Beach, CA 90802–4213, 310–980–4020; Douglas Beach, Northeast Region, National Marine Fisheries Service, 1 Blackburn Drive, Gloucester, MA 01930, 508–281–9254; or Jeffrey Brown, Southeast Region, National Marine Fisheries Service, 9450 Koger Blvd., St. Petersburg, FL 33702, 813–893–3366.

SUPPLEMENTARY INFORMATION: Section 114 of the MMPA establishes an interim exemption for the taking of marine mammals incidental to commercial fishing operations and requires MMFS to publish and annually update a List of Fisheries, along with the marine mammals and number of vessels or persons involved in each such fishery, in three categories, as follows:

(I) A frequent incidental taking of marine mammals;

(II) An occasional incidental taking of marine mammals; or

(III) A remote likelihood, or no known incidental taking, of marine mammals.

Based on Congressional guidance, NMFS interpretation of the 1988 Amendments, public comment and meetings and consultations with state and Federal agencies, Regional Fishery Management Councils, and other interested parties, NMFS published a List of Fisheries on April 20, 1989 (54 FR 16072). NMFS also published an interim rule governing the taking of marine mammals incidental to commercial fishing operations on May 19, 1989 (54 FR 21910), and a final rule governing reporting of the take of marine mammals incidental to commercial operations on December 15, 1989 (54 FR 51718).

On January 16, 1992 (57 FR 1900), after consultation with the Marine Mammal Commission, NMFS published a notice of proposed changes to the current List of Fisheries and annual request for comments and information on the proposed revised List of Fisheries for 1992.

The following criteria were used in classifying fisheries in the list of fisheries:

Category I

There is documented information indicating a "frequent" incidental taking of marine mammals in the fishery. "Frequent" means that it is highly likely that more than one marine mammal will be incidentally taken by a randomly selected vessel in the fishery during a 20-day period.

Category II

(1) There is documented information indicating an "occasional" incidental taking of marine mammals in the fishery, or (2) in the absence of information indicating the frequency of incidental taking of marine mammals, other factors such as fishing techniques, gear used, methods used to deter marine mammals, target species, seasons and areas fished, and species and distribution of marine mammals in the area suggest there is a likelihood of at least an "occasional" incidental taking in the fishery. "Occasional" means that there is some likelihood that one marine mammal will be incidentally taken by a randomly selected vessel in the fishery during a 20-day period, but that there is little likelihood that more than one marine mammal will be incidentally taken.

Category III

(1) There is information indicating no more than a "remote likelihood" of an incidental taking of a marine mammal in the fishery, or (2) in the absence of information indicating the frequency of incidental taking of marine mammals, other factors such as fishing techniques, gear used, methods used to deter marine mammals, target species, seasons and areas fished, and species and distribution of marine mammals in the area suggest there is no more than a remote likelihood of an incidental take in the fishery. "Remote likelihood" means that it is highly unlikely that any marine mammal will be incidentally taken by a randomly selected vessel in the fishery during a 20-day period.

Sixteen comments were received in response to the notice of proposed changes from state and Federal agencies, fishing associations, fishermen, a conservation group, and other interested parties. These comments (along with the proposed changes) are summarized below and were considered in developing the List of Fisheries for 1992. A summary of the changes to the List of Fisheries for 1992 appears after the comments sections.

General Comments and Responses

Commenters stated that NMFS should make the data from the observer program and vessel owner logbooks available so reviewers can better determine if the proposed changes are appropriate or if other changes should be recommended.

These data are available upon request in aggregate, summary, or other such form that does not disclose the identity or business of any person (50 CFR 229.10(b)).

One commenter stated that NMFS should use the best available information, which includes drawing analogies among fisheries, to classify fisheries. The commenter also states that analogies drawn between gillnet fisheries and other fisheries using similar gear in similar areas may warrant the placement of these fisheries in Category I.

NMFS does and will continue to use the best available information to categorize fisheries. However, the criteria for Category I, as stated above, requires the use of documented information indicating a frequent take and, therefore, precludes the use of analogies.

Comments and Responses on the Proposed Changes

The following discussion parallels, and uses the numbering of items appearing in, the proposed changes published January 16, 1992 (57 FR 1900). No comments were received on

proposed changes 3, 4, 5, 6, 7, 11, 15, 17, and 18; therefore, these numbers are not represented in the following discussion.

1. Recategorize the Bering Sea and Aleutian Islands groundfish trawl fishery and the Gulf of Alaska groundfish trawl fishery from Category I (Table 1) to Category III (Table 3).

All comments received supported this change. One commenter did request, to the extent possible, that the number of trawls, the number of trawls observed, and the observed and reported levels of incidental take be given. The same commenter noted that NMFS regulations for reclassifying fisheries are based on the frequency of incidental takes compared to the number of fishing operations and suggested the use of the total number and observed number of trawls to estimate effort. It was further noted that observed incidental take rates for 1991 should be considered.

NMFS is required to classify a fishery as Category I if it is highly likely that more than one marine mammal will be incidentally taken by a randomly selected fishing vessel during a 20-day period, while fisheries are considered to be in Category III if it is highly unlikely that any marine mammal will be incidentally taken by a randomly selected fishing vessel during a 20-day period. Consequently, whenever possible, NMFS makes its calculations based on the number of days fished.

In the January 16, 1992, **Federal Register** notice (57 FR 1900), NMFS noted that 28 marine mammals were reported lethally taken by the groundfish trawl fleets in 1990. However, further analysis indicated that 20 marine mammals were seen lethally taken by natural resource observers, and this value was used to develop an estimate of 29 for the total fleet. An additional five marine mammals were observed entangled or injured in this fishery in 1990 and the calculated number of marine mammals entangled, seriously injured, or killed was estimated to be 36 ±9 (95% CI). This information is based on catch statistics from the 69.9 percent of the catch that was observed. The Alaska Fisheries Science Center estimated the total number of fishing days for the trawl fleet in the Bering Sea and Gulf of Alaska at 25,760 days. Based on the estimated number of animals taken and days of fishing effort, one marine mammal was taken per vessel approximately every 715 days in 1990. Consequently, based on 1990 data this fishery falls below the Category I threshold. Although final incidental take rates for the groundfish trawl fisheries are not currently available for 1991, preliminary information indicates that the take rates and fishing effort were similar to those observed in 1990. Therefore, these fisheries are reclassified to Category III as proposed.

2. Recategorize the Prince William Sound salmon drift gillnet fishery from Category I (Table 1) to Category II (Table 2).

One commenter stated that Category I classification may be warranted for at least a portion of the fishery where the rate of interactions may approach or exceed one marine mammal per vessel per 20-day period.

NMFS proposed to reclassify the Prince William Sound salmon drift gillnet fishery to Category II based on information obtained in the 1990 and 1991 observer programs for this fishery. During the comment period, NMFS received additional information from the 1991 observer program. A preliminary evaluation of these data does not support the proposed recategorization at this time. NMFS will continue to evaluate the available data and will propose recategorization of the fishery, or part of it, if appropriate. Therefore, this fishery will remain in Category I for 1992.

8. Redefine (and Recategorize part of) the Washington/Oregon/California (WA/OR/CA) salmon troll fishery (Category II, Table 2) as the south of Cape Falcon, Oregon (45°46'00" N.) salmon troll fishery to Category II, (Table 2); and

9. Add the north of Cape Falcon, Oregon (45°46'00" N.) Salmon troll fishery to Category III (Table 3).

Several comments were received supporting the proposed change as were comments stating that the area of the fishery being recategorized to Category III should at least include the waters off Oregon.

As stated in the proposed changes, the troll fishery north of Cape Falcon is managed primarily under quotas with restrictive openings (because of concerns regarding weak salmon stocks) that occur outside the timeframe that California sea lions occur in the area. The area south of Cape Falcon is managed primarily on a seasonal basis. An area-by-area review of the 2,366 reports received, prior to the implementation of the interim exemption program, substantiate this difference in the potential for interactions. The review indicated that, of the 184 mortalities or injuries that occurred in the WA/OR/CA salmon troll fishery, only one occurred north of Cape Falcon. NMFS believes this information supports the recategorization of the salmon troll fishery north of Cape Falcon to Category III, and therefore the change is incorporated as proposed. NMFS will continue to review data on the troll fishery south of Cape Falcon to ensure that it is categorized properly in the future.

10. Clarification of the Category II (Table 2) Washington Coastal River Salmonid Gillnet Fishery as the Category II Washington Coastal River Salmonid Set Gillnet Fishery.

One commenter requested clarification as to why the Washington coastal river set gillnet fishery was in Category II and the Columbia River, Willapa Bay and Grays Harbor fishery is in Category I.

Fisheries interactions in coastal rivers are not similar to interactions in coastal bays. Harbor seals spend a significant amount of time in coastal bays when they pup, breed, molt, haul-out, and feed. Therefore, the likelihood of an interaction is greater in a coastal bay than in a coastal river that empties directly into the Pacific Ocean, where seals and sea lions might enter to prey on salmonids.

12. Redefine (and recategorize part of) the California gillnet fishery for white sea bass, yellowtail, soupfin shark, white croaker, bonito/flying fish (Category II, Table 2) as the California set gillnet fishery for white croaker, bonito, and flying fish (Category II, Table 2); and

13. Add the Category I (Table 1) California set gillnet fishery for soupfin shark, yellowtail, and white seabass.

One commenter suggested that effort data for the fisheries would be helpful to better judge the significance of the reported observations.

When information was collected on these fisheries in the mid-1980's the total fishing effort was not calculated. Reports were compiled from observer data on takes of all species including non-target fish species, seabirds, and marine mammals. NMFS used the best available information in categorizing the California set gillnet fishery for soupfin shark, yellowtail, and white seabass and will continue to review data as it becomes available to ensure that it is properly categorized in the future.

14. Add to Catetory II (Table 5) the Atlantic Ocean, Caribbean, Gulf of Mexico pair trawl fishery for swordfish, tuna, shark.

One commenter requested an explanation as to why this fishery was not placed in Category I.

NMFS does not have documented information indicating a frequent incidental take of marine mammals in this fishery.

16. Combine the Southern New England (SNE) area with the Mid-Atlantic (MDA) so the MDA extends

from Nantucket Island, Massachusetts, to Cape Hatteras, North Carolina.

Several commenters noted and expressed concern that the term "gillnets for tuna, shark, swordfish" was associated with a Category III fishery.

The list of fisheries affected by this proposed combination included a Category III fishery defined as "pelagic hook & line/harpoon/gillnet." The inclusion of the term "gillnet" was inadvertent; it should not have been included in the description. The gillnet fishery for swordfish, tuna, and shark is a Category I fishery (Table 4).

19. Redefine and recategorize the Category II (Table 5) SNE, MDA Squid Trawl as the Category III (Table 6) MDA Squid Trawl.

One commenter compared this fishery with the squid fisheries in California, suggesting that marine mammal interactions were highly variable and that 3 years of observer data should be available before proposing reclassification. The same commenter also noted that there was no information regarding the sizes of vessels currently participating in this fishery.

The California squid fishery is a pelagic surface attraction fishery that uses lights in association with lampara nets or purse seines. During this process, pilot whales or other squid-eating marine mammals may be attracted by the squid and may interact with gear. The MDA squid trawl fishery uses mid-water trawls to intercept migrating or spawning squid. The small, slow moving domestic trawlers are easily avoided by marine mammals in the area. Marine mammal interactions are limited to large vessels towing bigger nets at faster speeds.

After more than 2 years of vessel registration under the interim exemption program, the following breakout of squid trawl vessel sizes is documented. There were 20 foreign mackerel trawlers operating in 1991, ranging in length from 244 feet (74.37 m) to 390 feet (118.87 m). These are the same size vessels that targeted squid in the mid-1980s. Of the 220 domestic vessels registered for this fishery in 1991, only 14 were over 100 feet (30.48 m) in length, and only one was in the size range of foreign vessels at 250 feet (76.20 m). NMFS does not have any information on the take of marine mammals by this size vessel. This fishery will continue to carry observers under the sea sampler program, and the joint venture effort will continue to have 100-percent observer coverage under the Magnuson Fishery Conservation and Management Act.

20. Redefine the Category III (Table 6) Gulf of Marine (GME), SNE, MDA, South Atlantic (SOA), coastal shad, sturgeon fishery as the Category III GME, SOA coastal shad, strugeon gillnet fishery;

21. Recategorize MDA coastal shad, sturgeon gillnet fishery to Category II; and

22. Redefine as the MDA coastal gillnet fishery (includes, but not limited to Atlantic croaker, Atlantic mackerel, Atlantic sturgeon, black drum, bluefish, herring, menhaden, scup, shad, striped bass, sturgeon, weakfish, white perch, and yellow perch).

One commenter questioned why the GME SOA coastal shad, sturgeon gillnet fishery remained in Category III and why the SOA and Gulf of Mexico coastal gillnet fisheries were not proposed for recategorization to Category II.

Presently there are no records of marine mammals being taken in this GME fishery. There are a number of restrictions on gillnets in SOA states. The sturgeon fishery in North Carolina (which averages about 6000 lbs (2721.58 kg) per year) operates from February 1 through June 30 with a mesh size no larger than 6 inches (15.24 cm). South Carolina prohibits the commercial catch of sturgeon. In Georgia, all gillnetting except for the sturgeon and shad gillnet fisheries is banned. Georgia's sturgeon season runs from February 15 to April 15, and the sturgeon must be at least 75 inches (190.50 cm) fork length. Shad gillnetting occurs in North and South Carolina and Georgia from January through April. The ocean segment of this fishery occurs in the early portion of the season and moves into the rivers in early spring. There are gillnet restrictions along four Atlantic counties in southeast Florida. These counties (Brevard, Indian River, St. Lucie, and Martin) restrict gillnet use to reduce sea turtle mortalities. In addition, a citizen's coalition is trying to get most nets banned in Florida state waters.

In the Gulf states, the only large coastal gillnet fishery is in Florida, targeting mullet. This fishery uses run-around gillnets, which may cause the two or three bottlenose dolphin mortalities with markings of gillnet entanglement reported each year. There is apparently little coastal commercial gillnetting in the northern Gulf. Texas prohibits the use of gillnets in State waters.

Comments on the longline and bottomfish fisheries in the Northwestern Hawaiian Islands (NWHI).

Commenters questioned the validity of the statement that close to 100 percent of the Hawaiian monk seal population can be expected to be found within the area closed by Amendment 3 to the Fishery Management Plan for Pelagic Fisheries of the Western Pacific Region.

Amendment 3 to the Fishery Management Plan for Pelagic Fisheries of the Western Pacific Region prohibits fishing within 50-nautical-miles of the Northwest Hawaiian Islands, including 100-mile wide corridors between islands where the 50-nautical-mile closures are not contiguous, to prevent the incidental take of Hawaiian monk seals. In addition, Amendment 4 to the Bottomfish and Seamount Groundfish Fishery Management Plan requires vessel owners and captains to notify NMFS prior to departing for this area so that observers may be placed aboard to monitor their fishing activities.

Except for isolated sightings of Hawaiian monk seals at Wake Island, Johnston Island, Palmyra Island, and Bikini Atoll in recent years, nearly all at-sea observations of monk seals have been restricted to waters around the NWHI inside the area closed to fishing and within 50 nautical miles of the main Hawaiian Islands. Of the ten longline vessel trips monitored between July 1990 and April 1991, four fished within 50 nautical miles of the NWHI for a total of 20 sets. There were no monk seal interactions or observations reported by NMFS observers on any of these trips, either inside or outside of the protected species zone. Also, satellite and radio tagging of Hawaiian monk seals will be conducted this year to begin examining the at-sea distribution of monk seals more rigorously.

Comments Received on the 1991 List of Fisheries

General

One commenter suggested that the Washington, Oregon, California thresher shark and swordfish drift gillnet fishery be clarified to indicate that the fishery no longer occurs in Washington or Oregon.

From 1986 through 1988, the thresher shark swordfish drift gillnet fishery was an experimental fishery in Washington and Oregon and has not occurred in either state since. Washington and Oregon have adopted an interstate plan that prohibits the use of driftnets north of California. If the use of gillnets were to be approved for use in the waters off the coasts of Washington and Oregon, NMFS would be involved and would be able to take appropriate action to ensure that the fisheries are categorized appropriately. Therefore, the Washington, Oregon, California thresher shark and swordfish fishery is redefined as the California thresher shark and swordfish fishery.

One commenter suggested reclassifying the Lower Columbia River drift gillnet fishery from Category I to II.

NMFS does not believes that sufficient information has been obtained from the observer effort in this fishery to justify a recategorization at this time. NMFS will continue to analyze the data and propose appropriate changes if warranted.

One commenter stated that because of the lack of information on takings in the Yakutat Set Gillnet Fishery for salmon, the fishery should be recategorized to Category III.

NMFS does not agree. This fishery was originally placed in Category II because of the potential for gillnets to take marine mammals and because it was the intent of Congress that NMFS collect information on the levels of interaction between marine mammals and such fisheries. NMFS was also aware of anecdotal reports of directed takings of harbor seals in this fishery. NMFS had also been notified in 1988 that a tagged Steller sea lion and gray whale had been entangled and killed in this fishery. Also in 1988, the U.S. Fish and Wildlife Service notified NMFS that harbor porpoise and sea otters are likely to have been taken in this fishery.

Since the Yakutat set net fishery was placed in Category II, there has been very poor compliance with the registration and reporting requirements. Of the estimated 164 permittees in this fishery, only 38 registered in 1989 and 1990. Of the 38 registrants, only 24 submitted reports for this period. Even with this poor compliance, however, there was a sufficient number of animals reported as taken, 72 injured and 68 killed, to indicate that this fishery should not be reclassified to Category III.

One commenter recommended that the Category II Alaska gillnet (except salmon and herring) fishery be clarified so the sunken gillnet fisheries in Prince William Sound, Kodiak, Central Gulf of Alaska, and the Aleutian Islands are defined separately to improve recordkeeping on fishing effort and marine mammal interactions.

In 1991, there was a renewed interest in sunken gillnet fisheries in Alaska. The most recent observer data available for these fisheries is from 1981, and was provided by the Alaska Department of Fish and Game. These data indicated at least an occasional rate of interaction at that time with harbor porpoise. Therefore, NMFS agrees with the recommendation and is incorporating the following clarifications into the List of Fisheries for 1992. The Category II Alaska gillnets for finfish other than salmon or herring is redefined as the Category II Alaska gillnets for finfish except salmon, herring and the following four Category II sunken gillnet groundfish fisheries: (1) The Category II Prince William Sound sunken gillnet groundfish fishery; (2) the Category II Kodiak (south of Cape Douglas, east of 159°W) sunken gillnet fishery; (3) the Category II Central Gulf of Alaska (north and east of Cape Douglas) sunken gillnet fishery; and (4) the Category II Aleutian Islands (south of 55°N, west of 170°W) sunken gillnet fishery. NMFS will analyze information as it is received to ensure that these fisheries are categorized properly.

A commenter stated that the Gulf of Mexico shrimp fishery should remain in Category III.

There was no change proposed for this fishery and presently there is no information to indicate that a change is warranted.

Summary of Changes to the List of Fisheries

Table 1—Category I Commercial Fisheries in the Pacific Ocean

The Bering Sea and Aleutian Islands groundfish trawl fishery and the Gulf of Alaska groundfish trawl fishery is recategorized to Category III (Table 3).

The Washington/Oregon Lower Columbia River Region, Willapa Bay, Grays Harbor salmon drift gillnet fishery is redefined as the Washington/Oregon Lower Columbia River (includes tributaries) salmon drift gillnet fishery.

Add the Washington Grays Harbor (includes rivers, estuaries, etc.) salmonid set and drift gillnet fishery.

Add the Willapa Bay (includes rivers, estuaries, etc.) salmon drift gillnet fishery.

The Washington/Oregon/California thresher shark and swordfish drift gillnet fishery is redefined as the California thresher shark and swordfish drift gillnet fishery.

Add the California set gillnet fishery for soupfin shark, yellowtail, and white seabass.

Table 2—Category II Commercial Fisheries in the Pacific Ocean

Add the Metlakatla/Annette Island salmonids drift gillnet fishery.

The Alaska long line/set line fisheries for sablefish—Southern Bering Sea, Aleutian Islands, and Western Gulf of Alaska (Unimak Pass and westward) is redefined as the Alaska long line/set line fisheries for sablefish—Southern Bering Sea, Aleutian Islands (NMFS Statistical Reporting Areas 517, 518, 519, 540), and Western Gulf of Alaska (NMFS Statistical Reporting Area 610 west of 165°W).

The Alaska gillnets for finfish other than salmon and herring is redefined as the Alaska gillnets for finfish other than salmon, herring, and sunken gillnets for groundfish.

Add the Alaska—Prince William Sound sunken gillnets for groundfish.

Add the Alaska—Kodiak (south of Cape Douglas, east of 159°W) sunken gillnets for groundfish.

Add the Alaska—Central Gulf of Alaska (north and east of Cape Douglas) sunken gillnets for groundfish.

Add the Alaska—Aleutian Islands (south of 55°N, west of 170°W) sunken gillnets for groundfish.

The Washington/Oregon/California Salmon Troll Fishery has been redefined as the south of 45°46'00" N. (Cape Falcon, OR) Salmon Troll Fishery.

Clarification of the Washington Coastal River salmonid gillnet fishery as the Category II as the Washington Coastal River salmonid set gillnet fishery.

Clarification of the Washington Puget Sound Region, Hood Canal, Strait of Juan de Fuca (estuaries and lower river areas subject to tidal action) set and drift gillnet salmonid fisheries as the Washington Puget Sound Region and inland waters south of the U.S.-Canada border, including the Strait of Juan de Fuca, Hood Canal and estuaries and lower river areas (subject to tidal action) set and drift gillnet salmonid fisheries.

The California gillnet fishery for white sea bass, yellow tail, soupfin shark, white croaker, bonito/flying fish is redefined as the California set gillnet fishery for white croaker, bonito, and flying fish, and the California set gillnet fishery for soupfin shark, yellowtail, and white seabass which is recategorized to Category I (Table 1).

Table 3—Category III Commercial Fisheries in the Pacific Ocean

The Bering Sea and Aleutian Islands groundfish trawl fishery and the Gulf of Alaska groundfish trawl fishery is recategorized from Category I (Table 1).

Add the North of 45°46'00" N. (Cape Falcon, OR) Salmon Troll Fishery (redefined from Category II).

Table 4—Category I Commercial Fisheries in the Atlantic Ocean, Caribbean, and Gulf of Mexico

The Gulf of Maine groundfish/mackerel gillnet fishery is redefined as the New England Multispecies Sink Gillnet (includes all species as defined in the Multispecies Fishery Management Plan and spiny dogfish) for all waters east of 71°40'W.

Add the Gulf of Maine small pelagics (which includes mackerel, herring, menhaden) surface gillnet.

Table 5—Category II Commercial Fisheries in the Atlantic Ocean, Caribbean, and Gulf of Mexico

Add the Atlantic Ocean, Caribbean, Gulf of Mexico pair trawl fishery for swordfish, tuna, shark.

The southern New England, mid-Atlantic squid trawl is redefined and recategorized to Category III (Table 6).

The mid-Atlantic coastal shad, sturgeon gillnet fishery was recategorized from Category III (Table 6) and redefined as the mid-Atlantic coastal gillnet fishery (includes, but not limited to Atlantic croaker, Atlantic mackerel, Atlantic sturgeon, black drum, bluefish, herring, menhaden, scup, shad, striped bass, sturgeon, weakfish, white perch, yellow perch).

Table 6—Category III Commercial Fisheries in the Atlantic Ocean, Caribbean, and Gulf of Mexico

Add the South Atlantic, Gulf of Mexico shark bottom longline fishery.

Add the mid-Atlantic squid trawl which was redefined and recategorized from Category II (Table 5).

The Gulf of Maine, southern New England, mid-Atlantic, south Atlantic, coastal shad, sturgeon is redefined as the Gulf of Maine, south Atlantic coastal shad, sturgeon gillnet fishery and the mid-Atlantic coastal shad, sturgeon gillnet fishery to recategorized to Category II (Table 5).

Also for east coast fisheries the southern New England area was combined with the mid-Atlantic so the mid-Atlantic extends from Nantucket Island, Massachusetts, to Cape Hatteras, North Carolina.

The estimate number of vessels/persons has been updated with available information in the following Tables.

List of Fisheries Interim Exemption for Commercial Fisheries

Table I.—Category I Commercial Fisheries in the Pacific Ocean

Fishery	Estimated number of vessels/persons	Marine Mannal species involved
Gillnet fisheries, salmonids:		
AK Prince William Sound—drift gillnet	536	2, 6, 13, 14, 15.
WA marine set gillnet in Areas 4, 4A, and 4B	19	6, 13, 15, 30, 32.
WA Willapa Bay (includes rivers, estuaries, etc.) drift gillnet	362	2, 3, 6, 11.
WA Grays Harbor (includes rivers, estuaries, etc.) drift gillnet	222	2, 3, 6.
WA, or Lower Columbia River (includes tributaries) drift gillnet	874	2, 3, 6, 30.
Gillnet fisheries, other finfish:		
CA thresher shark and swordfish	224	2, 3, 6, 11, 14, 15, 16, 17, 18, 22, 23, 29, 30, 32, 33.
CA California halibut—set gillnet	273	3, 6, 41, 15, 16, 30.
CA angel shark—set gillnet	178	3, 6, 15, 16, 30.
CA soupfin shark, yellowtail, white sea bass—set gillnet	42	2, 3, 6, 14, 15, 16, 27, 41, 30.

Table 2.—Category II Commercial Fisheries in the Pacific Ocean

Fishery	Estimated number of vessels/persons	Marine mammal species involved
Gillnet fisheries, salmonids:		
AK Prince William Sound—set gillnet	30	2, 6, 13, 15.
AK South Unimak (False Pass and Unimak Pass)	158	2, 6, 13, 14, 15, 30.
AK Peninsula (other than South Unimak) drift gillnet	158	2, 6, 13, 15, 30.
AK Southeast Alaska—drift gillnet	468	2, 6, 13, 14, 15, 25, 30, 31.
AK Metlakatla/Annette Island—drift gillnet	56	2, 6, 13, 14, 15, 25, 30, 31.
AK Yakutat—set gillnet	164	2, 6, 13, 14, 30.
AK Cook Inlet—drift gillnet	560	2, 6, 13, 15, 26.
AK Cook Inlet—set gillnet	743	2, 6, 13, 15, 26.
AK Kodiak—set gillnet	187	2, 6, 13, 15.
AK Peninsula—set gillnet	113	2, 6, 13, 30.
AK Bristol Bay—drift gillnet	1, 746	2, 6, 26, 30.
AK Bristol Bay—set gillnet	943	2, 6, 26, 30.
WA Puget Sound Region and inland waters south of the U.S.-Canada border, including the Strait of Juan de Fuca, Hood Canal and estuaries and lower river areas (subject to tidal action)—set and drift gillnet.	3, 900	1, 2, 3, 6, 14, 15, 25.
WA coastal river—set gillnet	325	2, 3, 6.
CA Klamath River—gillnet	504	3, 6.
Other gillnet fisheries:		
AK—gillnets (except salmon, herring and sunken gillnets for groundfish)	235	2, 6, 15.
CA—gillnets for white croaker, bonito, and flying fish	41	2, 3, 6, 14, 15, 16, 27, 30, 41.
Sunken gillnets for groundfish:		
AK—Prince William Sound	3	15.
AK—Kodiak (south of Cape Douglas, east of 159°W)	5	15.
AK—Central Gulf of Alaska (north and east of Cape Douglas)	2	15.
AK—Aleutian Islands (south of 55°N, west of 170°W)	1	15.
Purse seine fisheries salmon:		
AK South Unimak (False Pass and Unimak Pass)	115	1, 2, 15.
Troll fisheries:		
OR, CA—south of 45°46'00" (Cape Falcon, OR) salmon	3,400	2, 3, 6.
Round haul (seine and lampara), beach seine, and throw net fisheries:		
CA herring—purse seine	100	3, 6.
CA anchovy, mackerel, tuna—purse seine	160	3, 27.
CA sardine—purse seine	120	3, 27.

TABLE 2.—CATEGORY II COMMERCIAL FISHERIES IN THE PACIFIC OCEAN—Continued

Fishery	Estimated number of vessels/ persons	Marine mammal species involved
CA squid—purse seine	145	3, 22, 23, 27.
Long line set line fisheries, sablefish:		
AK Prince William Sound (NMES Statistical Area 649)	270	25, 28.
AK Southern Bering Sea, Aleutian Islands, (NMFS Statistical Reporting Areas 517, 518, 519, 540) and Western Gulf of Alaska (NMFS Statistical Reporting Area 610 West of 165°W).	226	25.
Pot, ring net, and trap fisheries:		
AK Metlakatla fish trap	4	2, 6.
Dip net fisheries:		
CA squid	115	3, 23.
Aquaculture, ranch pens:		
WA, OR salmon—net pens	21	2, 3, 6.
OR salmon—ranch	8	3, 6.

TABLE 3.—CATEGORY III COMMERCIAL FISHERIES IN THE PACIFIC OCEAN

Fishery	Estimated number of vessels/ persons	Marine mammal species involved
Gillnet fisheries:		
AK Kuskokwim, Yukon, Norton Sound, Kotzebue salmon gillnets	2,023	15.
AK herring only	174	2,6.
WA, OR Upper Columbia River Basin (above Bonneville Dam) salmon and other finfish gillnets	100	3.
WA, OR, CA gillnets for herring, smelt, shad, sturgeon, bottom fish, mullet, perch, rockfish	1,218	3,6.
HI gillnet	81	12,27.
Troll fisheries:		
AK salmon	2,873	1,2,6,28,31.
WA, OR north of 45°46'00" (Cape Falcon, OR) salmon	900	3.
Non-salmon troll fisheries, AK North Pacific halibut, AK bottom fish, WA, OR, CA albacore, groundfish, bottom fish, CA halibut.	1,354	4,6.
HI trolling, rod and reel	903	20,21,24.
Guam tuna	<50	None documented.
Commonwealth of the Northern Mariana Islands tuna	<50	None documented.
American Samoa tuna	<50	None documented.
Purse seine, beach seine, round haul (seine and lampara) and throw net fisheries:		
AK salmon/herring—beach or purse seine	1,749	2,13,15.
AK other finfish	9	None documented.
WA salmon—purse seine	440	6,14.
WA salmon—reef net	53	6.
WA, OR herring, smelt, squid—purse seine	100	3,6.
WA—beach seine all species	199	None documented.
HI—purse seine	18	None documented.
HI opelu/akule—net	3	None documented.
HI—throw net, cast net	24	None documented.
HI—net unclassified	8	None documented.
Western Pacific yellowfin tuna—purse seine (South Pacific Tuna Treaty)	32	None documented.
Long line/set line fisheries:		
AK groundfish (except sablefish in BSAI/GOA which are in Category II)	1296	2,31.
AK, WA, OR North Pacific halibut	5,893	2,4,25,28.
WA, OR, CA groundfish, bottomfish	367	3,4,6,17.
CA shark/bonito	10	3.
HI tuna, billfish, mahi mahi, wahoo, oceanic sharks	200	21,24.
Trawl fisheries:		
AK Bering Sea and Aleutian Islands groundfish	490	1,2,5,6,7,8,9,10,11,13,14,15,25,32
AK Gulf of Alaska groundfish	490	1,2,5,6,7,8,9,10,11,13,14,15,25,32.
AK state-managed waters of Cook Inlet, Kachemak Bay, Prince William Sound, Southeastern Alaska groundfish.	8	14.
AK food/bait herring	2	None documented.
AK, WA, OR, CA shrimp	382	None documented.
WA, OR, CA groundfish, squid, smelt, bottomfish	585	1,2,3,6, 14,17,27,33.
CA California halibut	25	3.
CA sea cucumber	6	None documented.
Pot, ring net, and trap fisheries:		
AK shellfish—pot	1,533	13.
AK finfish—pot	226	None documented.
WA, OR, CA sablefish—pot	176	4,6.
WA, OR, CA dungeness crab	1,426	4,6,30,32.
WA, OR shrimp—pot	231	None documented.
CA lobster, prawns, shrimp, rock crab, fish—pot	608	None documented.
OR, CA hagfish	7	None documented.
HI lobster—trap	21	12.
HI crab—trap	5	None documented.
HI fish—trap	2	None documented.
HI shrimp—trap	2	None documented.
HI other—trap	6	None documented.

TABLE 3.—CATEGORY III COMMERCIAL FISHERIES IN THE PACIFIC OCEAN—Continued

Fishery	Estimated number of vessels/ persons	Marine mammal species involved
Handline and jig fisheries:		
AK North Pacific halibut	69	None documented.
AK other finfish	33	None documented.
WA groundfish, bottomfish	679	4,6.
HI aku boat, pole and line	17	None documented.
HI inshore handline	76	20.
HI deep sea bottomfish	434	12,20.
HI tuna	144	12,20,21.
Guam bottomfish	<50	None documented.
Commonwealth of the Northern Mariana Islands bottomfish	<50	None documented.
American Somoa bottomfish	<50	None documented.
Dip net fisheries:		
WA, OR smelt, herring	119	None documented.
Harpoon fishery:		
CA swordfish	228	None documented.
Pound fisheries:		
AK, Prince William Sound herring spawn on kelp	81	2.
AK Southeast Alaska herring food/bait	1	None documented.
WA herring—brush weir	1	None documented.
WA herring spawn on kelp	4	None documented.
Bait pens:		
WA, OR herring	12	6.
Dredge fishery:		
Coastwide scallop	106	None documented.
Dive, hand/mechanical collection fisheries:		
AK abalone	23	None documented.
AK dungeness crab	3	None documented.
AK herring spawn on kelp	172	None documented.
AK urchin and other fish/shellfish	19	None documented.
AK clam hand shovel	64	None documented.
AK clam mechanical/hydraulic fisheries	3	None documented.
WA geoduck	37	4.
WA, OR sea urchin, other clams, octopus, oysters, sea cucumbers, scallops	647	2,6.
CA abalone	129	None documented.
CA sea urchin	800	None documented.
HI squiding, spear	49	None documented.
HI lobster diving	16	None documented.
HI coral diving	2	None documented.
HI handpick	86	None documented.
Aquaculture, ranch, ponds:		
WA tribal salmon ranch	1	None documented.
WA oyster farm	316	None documented.
WA mussel/clam	224	None documented.
WA, CA kelp	4	None documented.
HI fish pond	3	None documented.
Commercial passenger fishing vessel (charter boat) fisheries:		
AK, WA, OR, CA all species	1243	3,6.
Other fisheries:		
HI	17	None documented.

TABLE 4.—CATEGORY I COMMERCIAL FISHERIES IN THE ATLANTIC OCEAN, CARIBBEAN, AND GULF OF MEXICO

Fishery	Estimated number of vessels/ persons	Marine mammal species involved
Trawl Fishery:		
MDA Foreign mackerel	19	16,20,22,23,34.
Gillnet Fisheries:		
Atlantic Ocean, CB, GMX swordfish, tuna, shark	75	16,19,20,22,23,29.
New England Multispecies sink gillnet (includes all species as defined in the Multispecies Fishery Management Plan and spiny dogfish) for all waters east of 71°40'W.	345	6,15,23,31,32,34,35,38.
GME small pelagics (which includes mackerel, herring, menhaden) surface gillnet	50	6,15,31,32,34,35.

TABLE 5.—CATEGORY II COMMERICAL FISHERIES IN THE ATLANTIC OCEAN, CARIBBEAN, AND GULF OF MEXICO

Fishery	Estimated number of vessels/ persons	Marine mammal species involved
Gillnet fishery:		
MDA coastal gillnet includes, but not limited to, Atlantic croaker, Atlantic mackerel, Atlantic sturgeon, black drum, bluefish, herring, menhaden, scup, shad, striped bass, weakfish, white perch, and yellow perch	3230	15, 20, 31, 32

TABLE 5.—CATEGORY II COMMERICAL FISHERIES IN THE ATLANTIC OCEAN, CARIBBEAN, AND GULF OF MEXICO—Continued

Fishery	Estimated number of vessels/ persons	Marine mammal species involved
FL east coast shark	24	20
Trawl fisheries:		
MDA Atlantic mackerel	250	16, 22, 23
Pair trawl fishery:		
Atlantic Ocean, CB, GMX, swordfish, tuna, shark	6	16, 22, 23, 24
Longline:		
Atlantic Ocean, CB, GMX, tuna, shark, swordfish	820	16, 22, 23, 24, 27, 31, 32, 36

TABLE 6.—CATEGORY III COMMERCIAL FISHERIES IN THE ATLANTIC OCEAN, CARIBBEAN, AND GULF OF MEXICO

Fishery	Estimated number of vessels/ persons	Marine mammal species involved
Trawl fisheries:		
GME northern shrimp	320	None documented.
GME mackerel	30	None documented.
GME, MDA groundfish	1,052	None documented.
GME, MDA sea scallops	215	None documented.
GME, SOA, GMX coastal herrings	5	36.
MDA squid	250	16,22,23,34.
MDA mixed species	>1,000	None documented.
SOA, GMX shrimp	18,292	20,40
GMX butterfish	5	36
GA, SC whelk	25	None documented.
Calico scallops	200	None documented.
Bluefish, croaker, flounder	550	None documented.
Crab	400	None documented.
Purse seine:		
GME Atlantic herring	30	6,15,35.
GME, MDA menhaden	10	20.
GME, MDA Atlantic bluefin tuna	5	31.
SOA, GMX menhaden	97	20.
FL west coast sardines	16	20.
Bottom longline/hook & line:		
GME tub trawl groundfish	46	6,35.
SOA, GMX snapper-grouper and other reef fish	1,300	None documented.
SOA, GMX shark	124	None documented.
Pelagic hook & line/harpoon:		
GME, MDA tuna, shark, swordfish	26,223	None documented.
SOA, GMX	1,446	None documented.
Gillnet:		
GME, SOA coastal shad, sturgeon	1,285	15,20,32.
SOA, GMX coastal	4,000	20.
FL east coast, GMX pelagics king & spanish mackerel	271	20.
Fixed gear fisheries trap/pot—fish:		
GME, MDA mixed species	100	6,15,31,32,35.
MDA black sea bass	30	None documented.
MDA eel	500	None documented.
Fixed gear fisheries trap/pot—lobster, crab:		
GME, MDA inshore lobster	10,613	6,31,32,38,39.
GME, MDA offshore lobster	2,902	None documented.
Atlantic Ocean, GMX blue crab	20,500	20,40.
SOA, GMX, CB spiny lobster	2,500	20,40.
SOA, GMX, CB reef fish	2,200	None documented.
FL east & west coast, GMX stone crab	500	20,40.
Stop seine, weirs, (staked fish traps):		
GME herring and Atlantic mackerel	50	6,15,31,32,35,38.
MDA mixed species	500	None documented.
MDA crab	2600	None documented.
Dredge fisheries:		
GME, MDA sea scallops	233	31.
MDA offshore clam	159	None documented.
GME mussel	>50	None documented.
MDA oyster	7,000	None documented.
Haul seine:		
SOA, CB	150	None documented.
Beach seine:		
CB	15	40.
Aquaculture, pens:		
GME Atlantic salmon	30	6,35.
Dive, hand/mechanical collection fisheries:		
GME urchins	<50	None documented.
Atlantic Ocean, GMX, CB shellfish	20,000	None documented.

List of State Abbreviations Used in Tables: AK—Alaska, CA—California, FL—Florida, GA—Georgia, HI—Hawaii, OR—Oregon, SC—South Carolina, TX—Texas, WA—Washington.

Acronyms and the Areas They Represent: BSAI—Bering Sea and Aleutian Islands, CB—Caribbean, GME—Gulf of Maine—Canadian Border to Nantucket Island, Massachusetts (includes Georges Bank), GMX—Gulf of Mexico—All Gulf States, GOA—Gulf of Alaska, MDA—Mid Atlantic—Nantucket Island, Massachusetts to Cape Hatteras, North Carolina, SOA—Southern Atlantic—South Carolina to Florida.

Explanation of Columns:

Fishery—Identified by gear, target species, and area.

Estimated number of Vessels/Persons—Contains the best and most recent available information on the number of vessels/persons licensed to participate in a fishery or, in the case of Alaska, the number of permits.

Marine Mammal Species Involved—Contains a list of all documented or reported instances (including rare and unique instances) of marine mammal interactions. The inclusion of a species does not address the magnitude of take and makes no statement regarding the significance of any interaction.

Species Code for Marine Mammals Taken in Commercial Fisheries

Species codes	Common name	Scientific name
1	Northern fur seal	*Callorhinus ursinus.*
2	Steller (northern) sea lion	*Eumetopias jubatus.*
3	California sea lion	*Zalophus californianus.*
4	Unidentified sea lion	
5	Walrus	*Odobenus rosmarus.*
6	Harbor seal	*Phoca vitulina.*
7	Spotted seal	*Phoca larga.*
8	Ringed seal	*Phoca hispida.*
9	Ribbon seal	*Phoca fasciata.*
10	Bearded seal	*Erignathus barbatus.*
11	Northern elephant seal	*Mirounga angustirostris.*
12	Hawaiian monk seal	*Monachus schauinslandi.*
13	Alaska sea otter	*Enhydra lutris lutris*
14	Dall's porpoise	*Phocoenoides dalli.*
15	Harbor porpoise	*Phocoena phocoena.*
16	Common (saddleback) dolphin	*Delphinus delphis.*
17	Pacific whitesided dolphin	*Lagenorhynchus obliquidens.*
18	Northern right whale dolphin	*Lissodelphis borealis.*
19	Striped dolphin	*Stenella coeruleoalba.*
20	Bottlenose dolphin	*Tursiops truncatus.*
21	Rough toothed dolphin	*Steno bredanensis.*
22	Risso's dolphin	*Grampus griseus.*
23	Pilot whale	*Globicephala melaena.*
24	False killer whale	*Pseudorca crassidens.*
25	Killer whale	*Orcinus orca.*
26	Beluga whale	*Delphinapterus leucas.*
27	Unidentified small cetacean	
28	Sperm whale	*Physeter catodon.*
29	Beaked whales	*Ziphiidae.*
30	Gray whale	*Eschrichtius robustus.*
31	Humpback whale	*Megaptera novaeangliae.*
32	Minke whale	*Balaenoptera acutorostrata.*
33	Unidentified large cetacean	
34	Atlantic whitesided dolphin	*Lagenorhynchus acutus.*
35	Gray seal	*Halichoerus grypus.*
36	Spotted dolphin	*Stenella spp.*
37	Pygmy sperm whale	*Kogia breviceps.*
38	Northern right whale	*Eubalaena glacialis.*
39	Fin whale	*Balaenoptera physalus.*
40	Manatee	*Trichechus manatus.*
41	Southern (California) sea otter	*Enhydra lutris nerles.*

Dated: May 5, 1992.

Michael F. Tillman,

Deputy Assistant Administrator for Fisheries.

[FR Doc. 92-10877 Filed 5-11-92; 8:45 am]

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federal register

Tuesday
May 12, 1992

Part III

Department of Education

Cooperative Demonstration Program (School-To-Work); Selection Criteria for Fiscal Year 1992; Notices

DEPARTMENT OF EDUCATION

Cooperative Demonstration Program (School-to-Work)

AGENCY: Department of Education.

ACTION: Notice of final priority, required activities, and selection criteria for fiscal year 1992.

SUMMARY: The Secretary announces a priority for a grant competition for awards to be made during fiscal year (FY) 1992 using a portion of the funds appropriated in FY 1991 under the Cooperative Demonstration Program, which is authorized by section 420A of the Carl D. Perkins Vocational and Applied Technology Education Act (Perkins Act). Under the final absolute priority, funds for the competition will be reserved for applications that demonstrate examples of successful cooperation between the private sector and public agencies in vocational education to assist vocational education students to attain the advanced level of skills needed to make the transition from school to productive employment. The Secretary will use new selection criteria in evaluating applications submitted for this competition.

EFFECTIVE DATE: This priority takes effect either 45 days after publication in the **Federal Register** or later if the Congress takes certain adjournments. If you want to know the effective date of this priority, call or write the Department of Education contact person.

FOR FURTHER INFORMATION CONTACT: Robert L. Miller, U.S. Department of Education, 400 Maryland Avenue, SW. (room 4512—MES), Washington, DC 20202–7242. Telephone: (202) 732–2428. Deaf and hearing impaired individuals may call the Federal Dual Party Relay Service at 1–800–877–8339 (in the Washington, DC, 202 area code, telephone 708–9300) between 8 a.m. and 7 p.m., Eastern time.

SUPPLEMENTARY INFORMATION: The Cooperative Demonstration Program provides financial assistance for, among other things, projects that demonstrate examples of successful cooperation between the private sector and public agencies in vocational education. These projects also must demonstrate ways in which vocational education and the private sector can work together effectively to assist vocational education students to attain the advanced level of skills needed to make the transition from school to productive employment. This program activity is authorized by section 420A(a)(2) of the Carl D. Perkins Vocational and Applied Technology Education Act, 20 U.S.C. 2301 *et seq.*, as amended by Public Law 101–392, 104 Stat. 753 (1990).

The Secretary wishes to highlight, for potential applicants, that this program can help further the purposes of AMERICA 2000, the President's education strategy to help America move itself toward the National Education Goals. Specifically, the program can contribute to the President's objective—as stated in track III of the AMERICA 2000 strategy ("Transforming America into 'A Nation of Students' ")—of reviewing current Federal job training efforts and identifying successful ways of motivating and enabling individuals to receive the comprehensive services, education, and skills necessary to achieve economic independence. The "school-to-work" priority also directly supports National Education Goal 5—ensuring that every adult American will be literate and possess the knowledgand skills necessary to compete in a global economy and exercise the rights and responsibilities of citizenship.

Improving the quality of entry-level workers is a critical element in improving the overall quality of the national work force, which is necessary if American businesses are to compete effectively in the world marketplace. Each year almost half the students who leave high school enter the labor market directly. Many lack the academic and vocational skills needed to enter the work force. This lack of adequate preparation on the part of many American young people who are making the transition from school to work is a national concern. Compared to other countries, the United States devotes little attention to assisting youth in making the transition from school to work.

The Departments of Labor and Education have been exploring ways to facilitate this transition, and, in May 1990, the Secretaries of Education and Labor co-sponsored a national conference, "The Quality Connection: Linking Education and Work." This conference identified basic principles and strategies that guided the efforts of both the Departments of Education and Labor to improve the school-to-work transition, although the Departments are emphasizing somewhat different approaches. These principles, strategies, and Departmental approaches were discussed in the notice of proposed priority, required activities, and selection criteria.

In addition, to maximize the benefits of these Federal demonstration dollars, the Secretary requires that no Federal funds under this program be used to purchase or lease equipment. Any necessary equipment costs can be covered by the cost-sharing that is required for this program.

On December 12, 1991, the Secretary published a notice of proposed priority, required activities, and selection criteria for this program in the **Federal Register** (56 FR 64926).

Note: This notice of final priority does not solicit applications. A notice inviting applications under this competition is published in a separate notice in this issue of the **Federal Register**.

Analysis of Comments and Changes

In response to the Secretary's invitation in the notice of proposed priority, required activities, and selection criteria, six parties submitted comments. All of the letters expressed general support for the proposed priority for school-to-work programs. An analysis of the comments and of the changes in the priority follows. Except for two clarifications discussed below, technical and other minor changes—and suggested changes the Secretary is not legally authorized to make under the applicable statutory authority—are not addressed.

Priority for the Disabled

Comments: Two commenters recommended that a separate priority be established to serve individuals with disabilities or that the Department consider the possibility of using a portion of funds from this competition to fund at least one project serving individuals with disabilities.

Discussion: The Secretary recognizes the special needs of individuals with disabilities and wishes to point out that this priority notice does not exclude individuals with disabilities, or programs for the disabled, from participating in this competition. Indeed, any program that receives funding under this priority for the Cooperative Demonstration Program would be subject to the requirements of section 504 of the Rehabilitation Act of 1973, including the prohibition against discrimination against individuals on the basis of their disabilities. However, to establish a special priority for any target population would limit greatly the scope of the projects that could be funded under this priority. The Secretary believes that this priority should remain as broad and flexible as possible.

Changes: None.

Federal Funds for Ongoing Program Operation Costs

Comments: One commenter was concerned that the prohibition on using

Federal funds for ongoing program operational costs as stated in the priority would exclude programs that are currently using Federal funds for this purpose.

Discussion: Under this priority, Federal funds may not be used for ongoing costs of operating a program. However, the Secretary does not intend to discourage the coordination of this program with any other federally assisted programs, provided that there is no duplication of costs.

Changes: None.

Prohibition on Using Federal Funds for Equipment

Comments: One commenter was concerned about the wording in the proposed priority prohibiting the use of Federal funds for equipment. The commenter indicated that this prohibition could have the unintended result of precluding the participation of students with cerebral palsy and other physical disabilities, who require assistive technology in order to participate in vocational education programs. The commenter requested that the priority clarify that limitations on purchasing or leasing equipment apply only to grant administration and not to the assistive technology needs of individual students participating in the program.

Discussion: The Secretary recognizes the importance of ensuring that appropriate assistive technology is available to students with disabilities for whom it would be needed as part of a free appropriate public education (FAPE). Any program that is not already subject to the requirements of section 504 of the Rehabilitation Act of 1973 (Section 504) would be if it receives funding under the Cooperative Demonstration Program and would be required to ensure FAPE access for eligible students with disabilities. If a State or local educational agency receives a grant award under the school-to-work priority for the Cooperative Demonstration Program and also receives a grant under Part B of the Individuals with Disabilities Education Act (IDEA), the State or local educational agency must meet the requirements of IDEA and provide FAPE for students with disabilities who participate in their programs as a whole, including the school-to-work project. However, in this case, the cost of meeting the requirements of section 504 and IDEA is a preexisting obligation that is not related directly to the purpose of this priority, which is to provide funding for the incremental cost of demonstrating techniques that help students make a successful transition from school to work—not to pay the costs of operating a program that would have been incurred in the absence of the demonstration project. Thus, the costs of satisfying section 504 and IDEA requirements would not be allowable costs under a grant awarded under the school-to-work priority established in this notice.

Changes: None.

Existing and Successful Programs

Comments: One commenter expressed concern that the requirement that programs be "existing and successful" is too narrow to allow funding of many new programs implemented in 1991 that are worthy of replication because these new programs have only preliminary data on their success. The commenter suggested that the priority be modified to include a planned or existing—but unproven—school-to-work vocational education program.

Another commenter expressed concern about the interpretation of "existing and successful" programs. The commenter asked if a successful program is one that addresses the four principles and five strategies identified by the Departments of Education and Labor. The commenter also questioned whether a project to improve upon an existing, successful school-to-work vocational education program conducted in one plant, and to implement that program at other sites, would meet the requirement to be an "existing and successful" program.

Discussion: The Secretary does not believe that funding a planned or an existing but unproven program would further the purpose of demonstrating successful elements of school-to-work transition programs to assist others in adopting and implementing the techniques used in the programs. Therefore, the Secretary will fund only demonstrations of existing and successful programs. However, the priority does not specify a particular amount of time during which programs must have existed to be considered successful. Each project will be rated on how well it meets all the selection criteria, including the extent to which the project will demonstrate an existing and successful school-to-work program. To provide guidance to applicants on how they may show that their applications propose to demonstrate existing and successful programs, the Secretary has added an example to paragraph (a)(1) of the required activities section to indicate that an applicant may wish to highlight any research or evaluation studies concerning the effectiveness of the strategies incorporated.

While an employer may submit an application to implement an existing and successful program at a different site than the one at which it currently is being conducted, start-up or other operational costs would not be allowable costs under this priority. Only the incremental costs of demonstrating the program at the new site would be allowable under a grant awarded under the school-to-work priority.

Changes: Paragraph (a)(1) of the required activities section is amended to provide an example of how an applicant could highlight the effectiveness of the strategies incorporated in its application.

Program Effectiveness Panel (PEP) Training

Comments: One commenter recommended that project staff who have not already done so should participate in training for a PEP submission.

Discussion: The Secretary agrees that it would maximize the possibility of a project's being funded if the applicant were familiar with the requirements of the PEP. Each application will be reviewed under the selection criterion "evaluation plan," which addresses the extent to which an application proposes an evaluation that will yield results that can be submitted to the PEP for review. Project staff are encouraged to participate in training for PEP submissions where appropriate. Applicants can get more information about the PEP review process from the regulations in 34 CFR parts 786 and 787 or directly from the U.S. Department of Education's Office of Educational Research and Improvement, 555 New Jersey Avenue, NW., Washington, DC 20208–5645, Telephone: (202) 219–2134.

Changes: None.

Consistency Among the Priority, Required Activities, and Criteria for Evaluating Applications

Comments: One commenter questioned the consistency of the proposed priority with the required activities and selection criteria. The commenter pointed out that, even though the priority does not allow the use of Federal funds for ongoing program operation costs, certain of the required activities and selection criteria focus on elements of program operations. The commenter further requested definitions of "evaluating," "improving," "demonstrating," and "preparing for submission of results" to add clarity to the required activities and selection criteria.

Discussion: The priority and required activities express the Secretary's intention to fund only applications that demonstrate proven strategies of school-to-work transition efforts in a comprehensive system and that use Federal funds only for nonoperational costs—evaluating, improving, demonstrating, and preparing for the submission of project results to the PEP. However, the comprehensiveness of the system in which the school-to-work strategies are to be demonstrated will be evaluated under the selection criterion "program factors," which focuses on the elements of program operations. The Secretary believes that the meanings of the terms discussed by the commenter are clear from the context in which they are used in the description of required activities and the selection criteria, and no further definitions are necessary.

Changes: None.

Private Sector Involvement

Comments: One commenter asserted that, while the priority is limited to projects that involve cooperation between vocational education and the private sector, the cooperative nature of the priority is weakened by certain of the required activities that imply that the private sector's involvement with vocational education is not as a full partner but only as an educational entity. The commenter urged that required activities include strategies that have been demonstrated as outstanding as recognized by the private business community as well as by vocational education entities.

Discussion: The Secretary believes that the extent of involvement and cooperation between a vocational entity and the private sector will be reflected in an applicant's score under the selection criteria related to program factors, and, therefore, no change is necessary.

Changes: None.

Definition of Vocational Education Program

Comments: One commenter strongly urged that the definition of "vocational education" not be limited to programs conducted or funded by State departments of education or programs that serve exclusively vocational education students. According to the commenter, applications from successful school-to-work programs that are not currently targeted to vocational education students could not be funded under the current definition. The commenter recommended that any successful school-to-work program that incorporates strategies of demonstrated effectiveness be considered to meet the requirement of the priority and be eligible for Federal funding.

Discussion: Section 521(41) of the Perkins Act defines "vocational education programs" and is not limited to programs operated by State departments of education. Section 420A(a)(2) of the Perkins Act authorizes the Secretary to fund successful examples of cooperation between the private sector and public agencies in "vocational education." However, any public agency whose activities meet the definition of "vocational education" is eligible to apply.

Changes: None.

Performance Standards

Comments: One commenter stated that it is not sufficient for a program to involve employers merely in setting standards for performance. The commenter suggested that these standards be based on an analysis of actual job requirements in the employer's workplace.

Discussion: The Secretary agrees that the purpose of the school-to-work priority is to assist students in making the transition from school to actual employment. The Secretary believes that the employer appropriately would provide advice for the project on standards for actual jobs in the employer's particular workplace or in the industry in which the employer does business.

Changes: Proposed paragraph (a)(4) of the required activities section is amended to clarify that standards are to reflect an analysis of actual job requirements in the employer's workplace or the industry in which the employer does business.

Selection Criteria—Program Factors—Recruitment and Assessment

Comments: A commenter indicated that because student recruitment and assessment strategies are directly linked to standards of performance, they need to be addressed more directly in the priority notice.

Discussion: The Secretary believes that the selection criterion "program factors" adequately addresses the commenter's concern regarding the link between student recruitment and assessment, and standards of performance. How well an applicant addresses these requirements will be reflected in the applicant's score under this criterion.

Changes: None.

Selection Criteria—Program Factors—On-The-Job Training

Comments: A commenter suggested that the linkage between on-the-job training and student achievement of performance standards be strengthened to eliminate the possibility of "make work" types of training being conducted.

Discussion: The Secretary agrees that the on-the-job training requirement should be subject to performance standards and believes that this factor has been adequately addressed under the selection criterion related to program factors. An applicant must address the on-the-job requirement in proper perspective as a part of an effective comprehensive school-to-work system linking what a student does in school with what is done on the job. It should be noted, however, that an applicant that fails to address all of the factors under the criterion "program factors" would significantly reduce its chance of being funded.

Changes: None.

Follow-up Data

Comments: One commenter questioned whether funding could be used for post-program follow-up, analysis, and reporting. The commenter stated that follow-up data is essential for a meaningful evaluation of a program of this type.

Discussion: The Secretary agrees that follow-up data are essential and believes that this need has been adequately addressed. Any project funded under this competition must, in its operation plan, provide for job placement and follow-up services and for an independent evaluation based on student achievement, completion, and placement rates.

Changes: None.

Priority

Under 34 CFR 75.105(c)(3), the Secretary establishes an absolute preference under the Cooperative Demonstration Program for the following priority. The Secretary funds under this priority only existing programs that involve cooperation between vocational education and the private sector to help vocational education students attain the advanced level of skills they need to make the transition from school to productive employment. These programs must combine proven school-to-work strategies into a single comprehensive system that can be demonstrated for the benefit of other localities. For the purposes of this priority, Federal funds must be used for evaluating, improving, demonstrating, and preparing for the

submission of project results to the PEP. Federal funds may not be used for ongoing program operation costs.

Required Activities

(a) The Secretary requires that any project funded under this competition must include the following:

(1) An existing and successful school-to-work vocational education program, conducted by the grantee, involving strategies that have been demonstrated as outstanding as recognized by vocational education entities such as: State and local agencies, postsecondary educational institutions, institutions of higher education, and other public and private agencies, organizations, and institutions. For example, an applicant may wish to highlight any research or evaluation studies concerning the effectiveness of the strategies incorporated into the proposed project.

(2) Strategies that will bridge the school-to-work gap between what students are taught in school and what is needed on the job.

(3) Strong involvement of guidance counselors; local social service agencies; private sector agencies, organizations, and institutions; teachers; students; and parents.

(4) Active participation of employers planning the program and setting standards for performance that are based on an analysis of actual job requirements in the employer's workplace or the industry in which the employer does business.

(5) Student recruitment and assessment strategies.

(6) Curricula that integrate academic content with occupational competencies and that provide a coherent sequence of courses leading to certification of workplace skills that are recognized as necessary by employers.

(7) On-the-job training conducted by the private sector and integration of this training with classroom instruction.

(8) Support services and coordination of these services to provide meaningful career guidance to students in linking classroom learning to workplace skill requirements and to career development.

(9) Assessment of job-readiness skills of students that meet the requirements expressed by the private sector.

(10) Job placement and follow-up services.

(b) Projects may not expend Federal funds received under this program for equipment, as defined in 34 CFR 74.132 and 34 CFR 80.3 and 80.32.

(c) The Secretary also imposes the following requirements on projects funded under this competition:

(1) A project funded under this competition must—

(i) Demonstrate to other localities the strategies employed by the project;

(ii) Disseminate information on the extent to which these strategies appear to be successful; and

(iii) Disseminate their results in a manner designed to improve the training of teachers, other instructional personnel, counselors, and administrators who are needed to carry out the purposes of the Perkins Act.

(Authority: 20 U.S.C. 2420a(d))

(2) Each grantee shall provide, and budget for, an independent evaluation of grant activities. The evaluation must—

(i) Be both formative and summative in nature;

(ii) Be based on student achievement, completion, and placement rates; and

(iii) Provide a basis for the preparation of an application to the Department's Program Effectiveness Panel.

(Authority: 20 U.S.C. 2420a)

Criteria for Evaluating Applications

For this FY 1992 grant competition under the Cooperative Demonstration Program (School-To-Work) only, the Secretary uses the following selection criteria and assigns points to the selection criteria as indicated:

(a) *Program factors.* (30 points) The Secretary reviews the quality of the proposed project to assess the extent to which the project will—

(1) Demonstrate an existing and successful school-to-work vocational education program conducted by the applicant;

(2) Incorporate proven strategies for school-to-work transition into a single comprehensive system;

(3) Reflect in its design the use of evaluation data on student achievement and placement rates that show a successful transition of students to productive employment;

(4) Provide for an effective comprehensive school-to-work system that includes—

(i) Strong involvement of local social service agencies; private sector agencies, organizations, and institutions; teachers; guidance counselors; students; and parents;

(ii) Active participation of employers in program planning and setting standards for performance;

(iii) Student recruitment and assessment strategies;

(iv) Curricula that integrate academic content with occupational competencies and that provide a coherent sequence of courses leading to certification of workplace skills that are recognized as necessary by employers;

(v) On-the-job training conducted by the private sector and integration of this training with classroom instruction;

(vi) Support services and coordination of these services to provide meaningful career guidance to students in linking classroom learning to workplace skill requirements and to career development;

(vii) Assessment of readiness skills of students that meet the requirements expressed by the private sector; and

(viii) Job placement and follow-up services.

(b) *Plan of operation.* (15 points) The Secretary reviews each application to determine the quality of the plan of operation for the project, including—

(I) The quality of the project design, especially the establishment of measurable objectives for the project that are based on the projects, overall goals;

(2) The extent to which the plan of management is effective and ensures proper and efficient administration of the project over the award period;

(3) How well the objectives of the project relate to the purpose of the program;

(4) The quality of the applicants, plan to use its resources and personnel to achieve each objective; and

(5) How the applicant will ensure that project participants who are otherwise eligible to participate are selected without regard to race, color, national origin, gender, age, or disability.

(c) *Evaluation plan.* (20 points) The Secretary reviews each application to determine the quality of the project's evaluation plan, including the extent to which the plan—

(1) Is clearly explained and is appropriate to the project;

(2) To the extent possible, is objective and will produce data that are quantifiable;

(3) Identifies expected outcomes of the participants and how those outcomes will be measured;

(4) Includes activities during the formative stages of the project to help assess and improve the project, as well as a summative evaluation that includes recommendations for replicating project activities and results;

(5) Will provide a comparison between intended and observed results, and lead to the demonstration of a clear link between the observed results and the specific treatment of project participants; and

(6) Will yield results that can be summarized and submitted to the Secretary for review by the

Department's Program Effectiveness Panel as described in 34 CFR parts 786 and 787.

(d) *Demonstration and dissemination.* (20 points) The Secretary reviews each application for information to determine the effectiveness and efficiency of the plan for demonstrating and disseminating information about project activities and results throughout the project period, including—

(1) High quality in the design of the demonstration and dissemination plan and procedures for evaluating the effectiveness of the dissemination plan;

(2) Identification of target groups and provisions for publicizing the project at the local, State, and national levels by conducting or delivering presentations at conferences, workshops, and other professional meetings and by preparing materials for journal articles, newsletters, and brochures;

(3) Provisions for demonstrating the methods and techniques used by the project to others interested in replicating these methods and techniques, such as inviting interested persons to observe project activities;

(4) A description of the types of materials the applicant plans to make available to help others replicate project activities and the methods for making the materials available; and

(5) Provisions for assisting others to adopt and successfully implement the project or methods and techniques used by the project.

(e) *Key personnel.* (5 points)

(1) The Secretary reviews each application to determine the quality of key personnel the applicant plans to use on the project, including—

(i) The qualifications, in relation to project requirements, of the project director;

(ii) The qualifications, in relation to project requirements, of each of the other key personnel to be used in the project;

(iii) The appropriateness of the time that each person referred to in paragraphs (e)(1) (i) and (ii) will commit to the project; and

(iv) How the applicant, as part of its nondiscriminatory employment practices, will ensure that its personnel are selected for employment without regard to race, color, national origin, gender, age, or disability.

(2) To determine personnel qualifications under paragraphs (e)(1) (i) and (ii) of this section, the Secretary considers—

(i) Experience and training in project management and in fields related to the objectives of the project; and

(ii) Any other qualifications that pertain to the quality of the project.

(f) *Budget and cost effectiveness.* (5 points) The Secretary reviews each application to determine the extent to which the budget—

(1) Is cost effective and adequate to support the project activities;

(2) Contains costs that are reasonable and necessary in relation to the objectives of the project; and

(3) Proposes using non-Federal resources available from appropriate employment, training, and education agencies in the State to provide project services and activities and to acquire project equipment and facilities.

(g) *Adequacy of resources and commitment.* (5 points)

(1) The Secretary reviews each application to determine the extent to which the applicant plans to devote adequate resources to the project. The Secretary considers the extent to which the—

(i) Facilities that the applicant plans to use are adequate; and

(ii) Equipment and supplies that the applicant plans to use are adequate.

(2) The Secretary reviews each application to determine the commitment to the project, including whether the—

(i) Uses of non-Federal resources are adequate to provide project services and activities, especially resources of the private sector and State and local educational agencies; and

(ii) Applicant has the capacity to continue, expand, and build upon the project when Federal assistance ends.

Intergovernmental Review

This program is subject to the requirements of Executive Order 12372 and the regulations in 34 CFR part 79. The objective of the Executive order is to foster an intergovernmental partnership and a strengthened federalism by relying on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

In accordance with the order, this document is intended to provide early notification of the Department's specific plans and actions for this program.

Program Authority: 20 U.S.C. 2420a.

(Catalog of Federal Domestic Assistance Number 84.199E Cooperative Demonstration Program)

Dated: May 4, 1992.

Lamar Alexander,

Secretary of Education.

[FR Doc. 92-10889 Filed 5-11-92; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF EDUCATION

[CFDA No.: 84.199E]

Cooperative Demonstration Program (School-To-Work) Notice Inviting Applications for New Awards for Fiscal Year (FY) 1992

Note to Applicants: This notice is a complete application package. Together with the statute authorizing the program and applicable regulations governing the program, including the Education Department General Administrative Regulations (EDGAR), the notice contains all of the information, application forms, and instructions needed to apply for a grant under this competition.

Purpose of Program: The Cooperative Demonstration Program (School-To-Work) provides financial assistance to demonstrate examples of successful cooperation between the private sector and public agencies in vocational education. The program supports AMERICA 2000, the President's strategy for moving the Nation toward the National Education Goals, by assisting vocational education students to attain the advanced level of skills needed to make the transition from school to productive employment. Specifically, the program contributes to the President's objective of reviewing current Federal job training efforts and identifying successful ways of motivating and enabling individuals to receive the comprehensive services, education, and skills necessary to achieve economic independence, as stated in Track III of AMERICA 2000. In addition, the program supports National Education Goal 5—ensuring that every adult American will be literate and possess the knowledge and skills necessary to compete in a global economy and exercise the rights and responsibilities of citizenship.

Eligible Applicants: State and local educational agencies, postsecondary educational institutions, institutions of higher education, and other public and private agencies, organizations, and institutions.

Deadline for Transmittal of Applications: June 12, 1992.

Deadline for Intergovernmental Review: August 10, 1992.

Available Funds: $2,500,000.

Estimated Range of Awards: $250,000–$350,000.

Estimated Average Size of Awards: $300,000 per project year.

Estimated Number of Awards: 8.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 36 months.

Applicable Regulations: The Education Department General Administrative Regulations (EDGAR) as follows:

(a) 34 CFR part 74 (Administration of Grants to Institutions of Higher Education, Hospitals and Nonprofit Organizations).

(b) 34 CFR part 75 (Direct Grant Programs).

(c) 34 CFR part 77 (Definitions that Apply to Department Regulations).

(d) 34 CFR part 79 (Intergovernmental Review of Department of Education Programs and Activities).

(e) 34 CFR part 80 (Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments).

(f) 34 CFR part 81 (General Education Provisions Act—Enforcement).

(g) 34 CFR part 82 (New Restrictions on Lobbying).

(h) 34 CFR part 85 (Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants)).

(i) 34 CFR part 86 (Drug-Free Schools and Campuses).

Description of Program: A recipient of an award under this program shall provide not less than 25 percent of the total cost (the sum of the Federal and non-Federal shares) of the project it conducts under this program.

Priority and Required Activities: The priority and required activities in the Notice of Final Priority, Required Activities, and Selection Criteria for this program, as published elsewhere in this issue of the **Federal Register**, apply to this competition.

Under 34 CFR 75.105(c)(3), the Secretary funds under this competition only applications that meet this absolute priority.

Selection Criteria: For the FY 1992 grant competition (for awards to be made in FY 1992 using FY 1991 funds) under the Demonstration Projects for the School-To-Work Program, the Secretary uses the selection criteria in the Notice of Final Priority, Required Activities, and Selection Criteria for this competition published elsewhere in this issue of the **Federal Register.**

Intergovernmental Review of Federal Programs: This program is subject to the requirements of Executive Order 12372 (Intergovernmental Review of Federal Programs) and the regulations in 34 CFR part 79.

The objective of the Executive Order is to foster an intergovernmental partnership and to strengthen federalism by relying on State and local processes for State and local government coordination and review of proposed Federal financial assistance.

Applicants must contact the appropriate State Single Point of Contact to find out about, and to comply with, the State's process under Executive Order 12372. Applicants proposing to perform activities in more than one State should immediately contact the Single Point of Contact for each of those States and follow the procedure established in each State under the Executive Order. If you want to know the name and address of any State Single Point of Contact, see the list published in the **Federal Register** on April 2, 1992 (57 FR 11354).

In States that have not established a process or chosen a program for review, State, areawide, regional, and local entities may submit comments directly to the Department.

Any State Process Recommendation and other comments submitted by a State Single Point of Contact and any comments from State, areawide, regional, and local entities must be mailed or hand-delivered by the date indicated in this notice to the following address: The Secretary, E.O. 12372—CFDA #84.199E, U.S. Department of Education, Room 4161, 400 Maryland Avenue, SW., Washington, DC 20202–0125.

Proof of mailing will be determined on the same basis as applications (see 34 CFR 75.102). Recommendations or comments may be hand-delivered until 4:30 p.m. (Washington, DC time) on the date indicated in this notice.

Please note that the above address is not the same address as the one to which the applicant submits its completed application. *Do not send applications to the above address.*

Instructions for Transmittal of Applications: (a) If an applicant wants to apply for a grant, the applicant shall—

(1) Mail the original and six copies of the application on or before the deadline date to:

U.S. Department of Education,
Application Control Center, Attention: (CFDA #84.199E), Washington, DC 20202–4725

or

(2) Hand deliver the original and six copies of the application by 4:30 p.m. (Washington, DC time) on the deadline date to:

U.S. Department of Education,
Application Control Center, Attention: (CFDA #84.199E), Room #3633, Regional Office Building #3, 7th and D Streets, SW., Washington, DC

(b) An applicant must show one of the following as proof of mailing:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary.

(c) If an application is mailed through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

Notes: (1) The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

(2) The Application Control Center will mail a Grant Application Receipt Acknowledgement to each applicant. If an applicant fails to receive the notification of application receipt within 15 days from the date of mailing the application, the applicant should call the U.S. Department of Education Application Control Center at (202) 708–9494.

(3) The applicant must indicate on the envelope and—if not provided by the Department—in Item 10 of the Application for Federal Assistance (Standard Form 424) the CFDA number—and suffix letter, if any—of the competition under which the application is being submitted.

Application Instructions and Forms: To apply for an award under this program competition, your application must be organized in the following order and include the following five parts:

Part I: Application for Federal Assistance (Standard Form 424 (Rev. 4–88)).

Part II: Budget Information.

Part III: Budget Narrative.

Part IV: Program Narrative.

Part V: Additional Assurances and Certifications:

a. Assurances—Non-Construction Programs (Standard Form 424B).

b. Certification regarding Lobbying; Debarment, Suspension, and Other Responsibility Matters; and Drug-Free Workplace Requirements (ED 80–0013) and Instructions.

c. Certification regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion: Lower Tier Covered Transactions (ED 80–0014, 9/90) and Instructions. (NOTE: ED 80–0014 is intended for the use of grantees and should not be transmitted to the Department.)

d. Disclosure of Lobbying Activities (Standard Form LLL) (if applicable) and Instructions, and Disclosure of Lobbying Activities Continuation Sheet (Standard Form LLL–A).

All forms and instructions are included as appendix A of this notice. Questions and answers pertaining to this program are included, as appendix B, to assist potential applicants.

All applicants must submit ONE original signed application, including ink signatures on all forms and assurances and six copies of the application. Please mark each application as original or copy. Local or State agencies may choose to submit two copies with the original.

No grant may be awarded unless a complete application form has been received.

(20 U.S.C. 1241–1391)

FOR FURTHER INFORMATION CONTACT: Robert L. Miller, U.S. Department of Education, 400 Maryland Avenue, SW (room 4512—MES), Washington, DC 20202–7242. Telephone (202) 732–2428.

Deaf and hearing impaired individuals may call the Federal Dual Party Relay Service at 1–800–877–8339 (in the Washington, D.C. 202 area code, telephone 708–9300) between 8 a.m. and 7 p.m., Eastern time.

Program Authority: 20 U.S.C. 2420a.

Dated: May 4, 1992.

Betsy Brand,

Assistant Secretary, Office of Vocational and Adult Education.

BILLING CODE 4000-01-M

APPENDIX A

APPLICATION FOR FEDERAL ASSISTANCE

OMB Approval No. 0348-0043

1. TYPE OF SUBMISSION: Application ☐ Construction ☒ Non-Construction; Preapplication ☐ Construction ☐ Non-Construction	2. DATE SUBMITTED	Applicant Identifier
	3. DATE RECEIVED BY STATE	State Application Identifier
	4. DATE RECEIVED BY FEDERAL AGENCY	Federal Identifier

5. APPLICANT INFORMATION

Legal Name:	Organizational Unit:
Address (give city, county, state, and zip code):	Name and telephone number of the person to be contacted on matters involving this application (give area code)

6. EMPLOYER IDENTIFICATION NUMBER (EIN): ☐☐ – ☐☐☐☐☐☐☐

7. TYPE OF APPLICANT: (enter appropriate letter in box) ☐

A State; B County; C Municipal; D Township; E Interstate; F Intermunicipal; G Special District; H Independent School Dist.; I. State Controlled Institution of Higher Learning; J. Private University; K. Indian Tribe; L. Individual; M Profit Organization; N. Other (Specify) _____

8. TYPE OF APPLICATION:

☒ New ☐ Continuation ☐ Revision

If Revision, enter appropriate letter(s) in box(es): ☐ ☐

A. Increase Award B. Decrease Award C. Increase Duration D. Decrease Duration Other (specify):

_____

9. NAME OF FEDERAL AGENCY:

U.S. Department of Education

10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER: 8 4 . 1 9 9E

TITLE: Cooperative Demonstration Program (School-To-Work)

11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT:

12. AREAS AFFECTED BY PROJECT (cities, counties, states, etc.):

13. PROPOSED PROJECT: Start Date	Ending Date	14. CONGRESSIONAL DISTRICTS OF: a. Applicant	b. Project

15. ESTIMATED FUNDING:		
a. Federal	$	.00
b. Applicant	$	.00
c. State	$	.00
d. Local	$	.00
e. Other	$	.00
f. Program Income	$	.00
g. TOTAL	$	.00

16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?

a. YES. THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON

DATE _____

b. NO. ☐ PROGRAM IS NOT COVERED BY E.O. 12372

☐ OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW

17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?

☐ Yes If "Yes," attach an explanation. ☐ No

18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT, THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED

a. Typed Name of Authorized Representative	b. Title	c. Telephone number
d. Signature of Authorized Representative		e. Date Signed

Previous Editions Not Usable

Standard Form 424 (REV 4-88)
Prescribed by OMB Circular A-102

Authorized for Local Reproduction

INSTRUCTIONS FOR THE SF 424

This is a standard form used by applicants as a required facesheet for preapplications and applications submitted for Federal assistance. It will be used by Federal agencies to obtain applicant certification that States which have established a review and comment procedure in response to Executive Order 12372 and have selected the program to be included in their process, have been given an opportunity to review the applicant's submission.

Item:	Entry:
1	Self-explanatory.
2	Date application submitted to Federal agency (or State if applicable) & applicant's control number (if applicable).
3	State use only (if applicable).
4	If this application is to continue or revise an existing award, enter present Federal identifier number. If for a new project, leave blank.
5	Legal name of applicant, name of primary organizational unit which will undertake the assistance activity, complete address of the applicant, and name and telephone number of the person to contact on matters related to this application.
6	Enter Employer Identification Number (EIN) as assigned by the Internal Revenue Service.
7	Enter the appropriate letter in the space provided.
8	Check appropriate box and enter appropriate letter(s) in the space(s) provided: — "New" means a new assistance award. — "Continuation" means an extension for an additional funding/budget period for a project with a projected completion date. — "Revision" means any change in the Federal Government's financial obligation or contingent liability from an existing obligation.
9	Name of Federal agency from which assistance is being requested with this application.
10	Use the Catalog of Federal Domestic Assistance number and title of the program under which assistance is requested.
11	Enter a brief descriptive title of the project. If more than one program is involved, you should append an explanation on a separate sheet. If appropriate (e.g., construction or real property projects), attach a map showing project location. For preapplications, use a separate sheet to provide a summary description of this project.
12	List only the largest political entities affected (e.g., State, counties, cities).
13	Self-explanatory.
14	List the applicant's Congressional District and any District(s) affected by the program or project.
15	Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included on appropriate lines as applicable. If the action will result in a dollar change to an existing award, indicate *only* the amount of the change. For decreases, enclose the amounts in parentheses. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show breakdown using same categories as item 15.
16	Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process.
17	This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes.
18	To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for you to sign this application as official representative must be on file in the applicant's office. (Certain Federal agencies may require that this authorization be submitted as part of the application.)

PART II - BUDGET INFORMATION

SECTION A - Budget Summary by Categories

	A	B	C
1. Personnel			
2. Fringe Benefits (Rate %)			
3. Travel			
4. Equipment			
5. Supplies			
6. Contractual			
7. Other			
8. Total, Direct Cost (lines 1 through 7)			
9. Indirect Cost (Rate %)			
10. Training Costs/Stipends			
11. TOTAL, Federal Funds Requested (lines 8 through 10)			

SECTION B - Cost Sharing Summary (if appropriate)

	A	B	C
1. Cash Contribution			
2. In-Kind Contribution (only costs specifically for this project)			
3. TOTAL, Cost Sharing (Rate %)			

NOTE: For FULLY-FUNDED PROJECTS use Column A to record the first 12-month budget period; Column B to record the remaining months of the project; and Column C to record the total.

For MULTI-YEAR PROJECTS use Column A to record the first 12-month budget period; Column B to record the second 12-month budget period; and Column C to record the third 12-month budget period.

SECTION C - Budget Estimates (Federal Funds Only, For Balance of Project

Budget Periods			
Second	Third	Fourth	Fifth

INSTRUCTIONS FOR PART II - BUDGET INFORMATION

SECTION A - Budget Summary by Categories

1. Personnel: Show salaries to be paid to project personnel.

2. Fringe Benefits: Indicate the rate and amount of fringe benefits.

3. Travel: Indicate the amount requested for both inter- and intra-State travel of project staff. Include funds for at least one trip for two people to attend a project director's meeting in Washington, D.C.

4. Equipment: Indicate the cost of non-expendable personal property that has a useful life of more than one year and a cost of $300 or more per unit ($5,000 or more if State, Local, or Tribal Government).

5. Supplies: Include the cost of consumable supplies and materials to be used during the project.

6. Contractual: Show the amount to be used for (1) procurement contracts (except those which belong on other lines such as supplies and equipment; and (2) sub-contracts.

7. Other: Indicate all direct costs not clearly covered by lines 1 through 6 above, including consultants.

8. Total, Direct Cost: Show the total for lines 1 through 7.

9. Indirect Costs: Indicate the rate and amount of indirect costs. NOTE: For training grants, the indirect cost rate cannot exceed 8%.

10. Training/Stipend Cost: (if allowable)

11. TOTAL, Federal Funds Requested: Show total for lines 8 through 10.

SECTION B - Cost Sharing Summary

Indicate the actual rate and amount of cost sharing when there is a cost sharing requirement. If cost sharing is required by program regulations, the local share required refers to a percentage of TOTAL PROJECT COST, not of Federal funds.

SECTION C - Budget Estimates (Federal Funds Only) for Balance of Project

If the project period exceeds 12 months, include cost estimates for the continuation budget periods, as appropriate. This SECTION does not apply to projects that are full-funded.

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Instructions for Part III—Budget Narrative

The Budget Narrative should explain, justify, and, if needed, clarify your budget summary. For each line item (personnel, fringe benefits, travel, etc.) in your budget, explain why it is there and how you computed the costs.

Please limit this section to no more than five pages. Be sure that each page of your application is numbered consecutively.

Instructions for Part IV—Program Narrative

The Program Narrative will comprise the largest portion of your application. This part is where you spell out the who, what, when, where, why, and how of your proposed project.

Although you will not have a form to fill out for your narrative, there is a format. This format is the selection criteria. Because your application will be reviewed and rated by a review panel on the basis of the selection criteria, your narrative should follow the order and format of the criteria.

Before preparing your application, you should carefully read the legislation and regulations of the program, eligibility requirements, information on any priority set by the Secretary, and the selection criteria for this competition.

Your program narrative should be clear, concise, and to the point. Begin the narrative with a one page abstract or summary of your proposed project. Then describe the project in detail, addressing each selection criterion in order.

The Secretary strongly requests the applicant to limit the program narrative to no more than 30 double-spaced, typed pages (on one side only), although the Secretary will consider applications of greater length. Be sure to number consecutively all pages in your application.

You may include supporting documentation as appendices. Be sure that this material is concise and pertinent to this program competition.

Applicants are advised that:

(a) The Department considers only information contained in the application in ranking applications for funding consideration. Letters of support sent separately from the formal application package are not considered in the review by the technical review panels.

(EDGAR Sec. 75.217)

(b) The technical review panel evaluates each application solely on the basis of the established technical review criteria. Letters of support contained in the application will strengthen the application only insofar as they contain commitments which pertain to the established technical review criteria, such as commitment and resources.

Additional Materials

Instructions for Estimated Public Reporting Burden

Under terms of the Paperwork Reduction Act of 1980, as amended, and the regulations implementing that Act, the Department of Education invites comment on the public reporting burden in this collection of information. Public reporting burden for this collection of information is estimated to average 90 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. You may send comments regarding this burden to the U.S. Department of Education, Information Management and Compliance Division, Washington, DC 20202–4651; and to the Office of Management and Budget, Paperwork Reduction Project, OMB 1830–0515, Washington, DC 20503.

(Information collection approved under OMB control number 1830–0515. Expiration date: 6/30/92.)

BILLING CODE 4000–01–M

OMB Approval No. 0348-0040

ASSURANCES — NON-CONSTRUCTION PROGRAMS

Note: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§ 4728-4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C.§§ 6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.
7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
8. Will comply with the provisions of the Hatch Act (5 U.S.C. §§ 1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§ 276a to 276a-7), the Copeland Act (40 U.S.C. § 276c and 18 U.S.C. §§ 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327-333), regarding labor standards for federally assisted construction subagreements.

Standard Form 424B (4-88)
Prescribed by OMB Circular A-102

Authorized for Local Reproduction

10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program andto purchase flood insurance if the total cost of insurable construction and acquisition is $10,000 or more.

11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 et seq.); (f) conformity of Federal actions to State (Clear Air) Implementation Plans under Section 176(c) of the Clear Air Act of 1955, as amended (42 U.S.C. § 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93-205).

12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a-1 et seq.).

14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.

15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.

16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§ 4801 et seq.) which prohibits the use of lead based paint in construction or rehabilitation of residence structures.

17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1984.

18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	TITLE
APPLICANT ORGANIZATION	DATE SUBMITTED

SF 424B (4-88) Back

CERTIFICATIONS REGARDING LOBBYING; DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS; AND DRUG-FREE WORKPLACE REQUIREMENTS

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature of this form provides for compliance with certification requirements under 34 CFR Part 82, "New Restrictions on Lobbying," and 34 CFR Part 85, "Government-wide Debarment and Suspension (Nonprocurement) and Government-wide Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Education determines to award the covered transaction, grant, or cooperative agreement.

1. LOBBYING

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 34 CFR Part 82, for persons entering into a grant or cooperative agreement over $100,000, as defined at 34 CFR Part 82, Sections 82.105 and 82.110, the applicant certifies that:

(a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;

(b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions;

(c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all subrecipients shall certify and disclose accordingly.

2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS

As required by Executive Order 12549, Debarment and Suspension, and implemented at 34 CFR Part 85, for prospective participants in primary covered transactions, as defined at 34 CFR Part 85, Sections 85.105 and 85.110 –

A. The applicant certifies that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a three-year period preceding this application had one or more public transactions (Federal, State, or local) terminated for cause or default; and

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

3. DRUG-FREE WORKPLACE (GRANTEES OTHER THAN INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 34 CFR Part 85, Subpart F, for grantees, as defined at 34 CFR Part 85, Sections 85.605 and 85.610 –

A. The applicant certifies that it will or will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an on-going drug-free awareness program to inform employees about–

(1) The dangers of drug abuse in the workplace;

(2) The grantee's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will–

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to: Director, Grants and Contracts Service, U.S. Department of Education, 400 Maryland Avenue, S.W. (Room 3124, GSA Regional Office

Building No. 3), Washington, DC 20202-4571. Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted—

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

_____

_____

_____

Check ☐ if there are workplaces on file that are not identified here.

DRUG-FREE WORKPLACE
(GRANTEES WHO ARE INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 34 CFR Part 85, Subpart F, for grantees, as defined at 34 CFR Part 85, Sections 85.605 and 85.610 –

A. As a condition of the grant, I certify that I will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant; and

B. If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, I will report the conviction, in writing, within 10 calendar days of the conviction, to: Director, Grants and Contracts Service, U.S. Department of Education, 400 Maryland Avenue, S.W. (Room 3124, GSA Regional Office Building No. 3), Washington, DC 20202-4571. Notice shall include the identification number(s) of each affected grant.

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certifications.

NAME OF APPLICANT	PR/AWARD NUMBER AND/OR PROJECT NAME
PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE	
SIGNATURE	DATE

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion -- Lower Tier Covered Transactions

This certification is required by the Department of Education regulations implementing Executive Order 12549, Debarment and Suspension, 34 CFR Part 85, for all lower tier transactions meeting the threshold and tier requirements stated at Section 85.110.

Instructions for Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.

2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

4. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.

5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion--Lower Tier Covered Transactions," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List.

8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

Certification

(1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

(2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

NAME OF APPLICANT	PR/AWARD NUMBER AND/OR PROJECT NAME
PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE	
SIGNATURE	DATE

ED 80-0014, 9/90 (Replaces GCS-009 (REV. 12/88), which is obsolete)

DISCLOSURE OF LOBBYING ACTIVITIES

Approved by OMB
0348-0046

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352
(See reverse for public burden disclosure.)

1. Type of Federal Action:
☐ a. contract
b. grant
c. cooperative agreement
d. loan
e. loan guarantee
f. loan insurance

2. Status of Federal Action:
☐ a. bid/offer/application
b. initial award
c. post-award

3. Report Type:
☐ a. initial filing
b. material change
For Material Change Only:
year _____ quarter ____
date of last report _____

4. Name and Address of Reporting Entity:
☐ Prime ☐ Subawardee
Tier ____, *if known*:
Congressional District, *if known*:

5. If Reporting Entity in No. 4 is Subawardee, Enter Name and Address of Prime:
Congressional District, *if known*:

6. Federal Department/Agency:

7. Federal Program Name/Description:
CFDA Number, *if applicable*: _____

8. Federal Action Number, *if known*:

9. Award Amount, *if known*:
$

10. a. Name and Address of Lobbying Entity
(if individual, last name, first name, MI):

b. Individuals Performing Services *(including address if different from No. 10a)*
(last name, first name, MI):

(attach Continuation Sheet(s) SF-LLL-A, if necessary)

11. Amount of Payment *(check all that apply)*:
$ _____ ☐ actual ☐ planned

12. Form of Payment *(check all that apply)*:
☐ a. cash
☐ b. in-kind; specify: nature _____
value _____

13. Type of Payment *(check all that apply)*:
☐ a. retainer
☐ b. one-time fee
☐ c. commission
☐ d. contingent fee
☐ e. deferred
☐ f. other; specify: _____

14. Brief Description of Services Performed or to be Performed and Date(s) of Service, including officer(s), employee(s), or Member(s) contacted, for Payment Indicated in Item 11:

(attach Continuation Sheet(s) SF-LLL-A, if necessary)

15. Continuation Sheet(s) SF-LLL-A attached: ☐ Yes ☐ No

16. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

Signature: _____
Print Name: _____
Title: _____
Telephone No.: _____ **Date:** _____

Federal Use Only:

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Standard Form - LLL

INSTRUCTIONS FOR COMPLETION OF SF-LLL, DISCLOSURE OF LOBBYING ACTIVITIES

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. Use the SF-LLL-A Continuation Sheet for additional information if the space on the form is inadequate. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.

2. Identify the status of the covered Federal action.

3. Identify the appropriate classification of this report. If this is a followup report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.

4. Enter the full name, address, city, state and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.

5. If the organization filing the report in item 4 checks "Subawardee", then enter the full name, address, city, state and zip code of the prime Federal recipient. Include Congressional District, if known.

6. Enter the name of the Federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.

7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.

8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; Invitation for Bid (IFB) number; grant announcement number; the contract, grant, or loan award number; the application/proposal control number assigned by the Federal agency). Include prefixes, e.g., "RFP-DE-90-001."

9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.

10. (a) Enter the full name, address, city, state and zip code of the lobbying entity engaged by the reporting entity identified in item 4 to influence the covered Federal action.

    (b) Enter the full names of the individual(s) performing services, and include full address if different from 10 (a). Enter Last Name, First Name, and Middle Initial (MI).

11. Enter the amount of compensation paid or reasonably expected to be paid by the reporting entity (item 4) to the lobbying entity (item 10). Indicate whether the payment has been made (actual) or will be made (planned). Check all boxes that apply. If this is a material change report, enter the cumulative amount of payment made or planned to be made.

12. Check the appropriate box(es). Check all boxes that apply. If payment is made through an in-kind contribution, specify the nature and value of the in-kind payment.

13. Check the appropriate box(es). Check all boxes that apply. If other, specify nature.

14. Provide a specific and detailed description of the services that the lobbyist has performed, or will be expected to perform, and the date(s) of any services rendered. Include all preparatory and related activity, not just time spent in actual contact with Federal officials. Identify the Federal official(s) or employee(s) contacted or the officer(s), employee(s), or Member(s) of Congress that were contacted.

15. Check whether or not a SF-LLL-A Continuation Sheet(s) is attached.

16. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

DISCLOSURE OF LOBBYING ACTIVITIES
CONTINUATION SHEET

Approved by OMB
0348-0046

Reporting Entity: _____ Page _____ of _____

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Standard Form - LLL-A

Appendix B

Potential applicants frequently direct questions to officials of the Department regarding application notices and programmatic and administrative regulations governing various direct grant programs. To assist potential applicants the Department has assembled the following most commonly asked questions.

Q. Can we get an extension of the deadline?

A. No. A closing date may be changed only under extraordinary circumstances. Any change must be announced in the **Federal Register** and apply to all applications. Waivers for individual applications cannot be granted regardless of the circumstances.

Q. How many copies of the application should I submit and must they be bound?

A. Our new policy calls for an original and six copies to be submitted. The binding of applications is optional.

Q. We just missed the deadline for the XXX competition. May we submit under another competition?

A. Yes, however, the likelihood of success is not good. A properly prepared application must meet the requirements of the competition to which it is submitted.

Q. I'm not sure which competition is most appropriate for my project. What should I do?

A. We are happy to discuss any questions with you and provide clarification on the unique elements of the various competitions.

Q. Will you help us prepare our application?

A. We are happy to provide general program information. Clearly, it would not be appropriate for staff to participate in the actual writing of an application, but we can respond to specific questions about application requirements, evaluation criteria, and the priorities. Applicants should understand that this previous contact is not required, nor will it in any way influence the success of an application.

Q. When will I find out if I'm going to be funded?

A. You can expect to receive notification within 3 to 4 months of the application closing date, depending on the number of applications received and the number of competitions with closing dates at about the same time.

Q. Once my application has been reviewed by the review panel, can you tell me the outcome?

A. No. Every year we are called by a number of applicants who have legitimate reasons for needing to know the outcome of the review prior to official notification. Some applicants need to make job decisions, some need to notify a local school district, etc. Regardless of the reason, because final funding decisions have not been made at that point, we cannot share information about the review with anyone.

Q. Will my application be returned if I am not funded?

A. We no longer return unsuccessful applications. Thus, applicants should retain at least one copy of the application.

Q. Can I obtain copies of reviewers' comments?

A. Upon written request, reviewers' comments will be mailed to unsuccessful applicants.

Q. Is travel allowed under these projects?

A. Travel associated with carrying out the project is allowed. Because we may request the project director of funded projects to attend an annual project directors meeting, you may also wish to include a trip or two to Washington, DC in the travel budget. Travel to conferences is sometimes allowed when it is for purposes of dissemination.

Q. If my application receives high scores from the reviewers, does that mean that I will receive funding?

A. Not necessarily. It is often the case that the number of applications scored highly by the reviewers exceeds the dollars available for funding projects under a particular competition. The order of selection, which is based on the scores of all the applications and other relevant factors, determines the applications that can be funded.

Q. What happens during negotiations?

A. During negotiations technical and budget issues may be raised. These are issues that have been identified during the panel and staff reviews that require clarification. Sometimes issues are stated as "conditions." These are issues that have been identified as so critical that the award cannot be made unless those conditions are met. Questions may also be raised about the proposed budget. Generally, these issues are raised because there is inadequate justification or explanation of a particular budget item, or because the budget item seems unimportant to the successful completion of the project. If you are asked to make changes that you feel could seriously affect the project's success, you may provide reasons for not making the changes or provide alternative suggestions. Similarly, if proposed budget reductions will, in your opinion, seriously affect the project activities, you may explain why and provide additional justification for the proposed expenses. An award cannot be made until all negotiation issues have been resolved.

Q. How do I provide an assurance?

A. Except for SF–424B, "Assurances—Non-Construction Programs," simply state in writing that you are meeting a proscribed requirement.

Q. Where can copies of the **Federal Register**, program regulations, and Federal statutes be obtained?

A. Copies of these materials can usually be found at your local library. If not, they can be obtained from the Government Printing Office by writing to: Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402. Telephone: (202) 783–3238. When requesting copies of regulations or statutes, it is helpful to use the specific name, public law number, or part number. The material referenced in this notice should be referred to as follows:

(1) Carl D. Perkins Vocational and Applied Technology Education Act (Perkins Act) (Pub. L. 101–392, 104 Stat. 753 (1990)).

(2) 34 CFR part 425 (Demonstration Projects for the School-To-Work Program).

For a free copy of the Education Department General Administrative Regulations (34 CFR parts 74, 75, 77, 79, 80, 81, 82, 85, and 86 are referenced in this notice), contact the U.S. Department of Education, Grants and Contracts Services, 400 Maryland Avenue, SW (room 3653—ROB–3), Washington, DC 20202–4835. Telephone: (202) 708–5580.

Q. What are the Department of Education's Program Effectiveness Panel and National Diffusion Network?

A. The Program Effectiveness Panel (PEP) is the Department of Education's primary mechanism for validating the effectiveness of educational programs developed by schools, universities, and other agencies. The National Diffusion Network (NDN) is a Federally funded dissemination system that helps public and private schools, colleges, and other educational institutions improve by sharing successful education programs, products, and processes.

For information about PEP, prospective applicants may wish to read Making the Case: Evidence of Effectiveness in Schools and Classrooms, which contains criteria and guidelines for submitting project results to PEP. This publication, as well as information about NDN, is available from the U.S. Department of Education, Office of Educational Research and Improvement, 555 New Jersey Avenue, NW., Washington, DC 20208–5645. Telephone: (202) 219–2134.

[FR Doc. 92–10890 Filed 5–11–92; 8:45 am]

BILLING CODE 4000–01–M

federal register

Tuesday
May 12, 1992

Part IV

Architectural and Transportation Barriers Compliance Board

Technical Assistance and Research Plan for Fiscal Years 1993–1997; Focus Issues and Americans With Disabilities Act Research Agenda; Notice

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

Technical Assistance and Research Plan for Fiscal Years 1933–1997; Focus Issues and Americans With Disabilities Act Research Agenda

AGENCY: Architectural and Transportation Barriers Compliance Board.

SUMMARY: The Architectural and Transportation Barriers Compliance Board requests comments on focus issues and Americans with Disabilities Act research agenda for its technical assistance and research plan for fiscal years 1993–1997. The Board is particularly interested in information on related technical and research activities which are being planned or sponsored by other public and private organizations.

DATES: Comments should be received by June 26, 1992.

ADDRESSES: Comments should be sent to the Office of Technical and Information Services, Architectural and Transportation Barriers Compliance Board, 1331 F Street NW., suite 1000, Washington, DC 20004–1111.

FOR FURTHER INFORMATION CONTACT: David Capozzi, Office of Technical and Information Services, Architectural and Transportation Barriers Compliance Board, 1331 F Street NW., suite 1000, Washington, DC 20004–1111. Telephone (202) 272–5434 (Voice/TDD). This is not a toll-free number. This document is available in accessible formats (cassette tape, braille, large print, or computer disc) upon request.

SUPPLEMENTARY INFORMATION: The Architectural and Transportation Barriers Compliance Board is an independent Federal agency established pursuant to section 502 of the Rehabilitation Act of 1973, as amended, to ensure that the requirements of the Architectural Barriers Act of 1968 are met and to propose alternative solutions to architectural, transportation, communication, and attitudinal barriers faced by individuals with disabilities. The Board consists of 12 members appointed by the President from among the general public, at least six of whom are required to be individuals with disabilities, and the heads of 11 Federal agencies or their designees whose positions are Executive Level IV or above. The Federal agencies are: The Departments of Health and Human Services, Education, Transportation, Housing and Urban Development, Labor, Interior, Defense, Justice and Veterans Affairs, General Services Administration, and United States Postal Service.

Under section 502 of the Rehabilitation Act of 1973, as amended, the Board is responsible for establishing guidelines to assist four Federal agencies (the General Services Administration, the Department of Defense, the Department of Housing and Urban Development, and the United States Postal Service) in establishing accessibility standards for those federally owned, leased, or financed buildings covered by the Architectural Barriers Act of 1968. The Board's guidelines are called the Minimum Guidelines and Requirements for Accessible Design (MGRAD) and are published at 36 CFR part 1190. The standards established by the four Federal agencies are called the Uniform Federal Accessibility Standards (UFAS) and were published in the **Federal Register** on August 7, 1984 (49 FR 31528). The Board is also responsible for providing technical assistance with respect to overcoming architectural, transportation, and communication barriers to any public or private person or entity affected by regulations implementing section 504 of the Rehabilitation Act of 1973 which prohibits discrimination on the basis of disability in programs or activities receiving Federal financial assistance and in Federally conducted programs.

The Americans with Disabilities Act of 1990 (ADA) greatly expanded the Board's responsibilities. Section 504 of the ADA requires the Board to issue guidelines to assist the Department of Justice and the Department of Transportation in establishing accessibility standards for new construction and alterations in places of public accommodation and commercial facilities and for transportation facilities and vehicles covered by titles II and III of the Act. Section 504 of the ADA provides for the guidelines to supplement the existing MGRAD and to establish additional requirements, consistent with the Act, to ensure that buildings, facilities, and transportation vehicles are accessible, in terms of architecture and design, transportation, and communication, to individuals with disabilities. Section 506 of the ADA also requires the Board to provide technical assistance, in coordination with the Department of Justice and other federal agencies, with respect to the accessibility requirements of the Act.

The Board published the ADA Accessibility Guidelines for buildings and facilities in the **Federal Register** on July 26, 1991 (56 FR 35408) and amended the guidelines on September 6, 1991 to include additional requirements for transportation facilities (56 FR 45500). 36 CFR part 1191, appendix A. The Board also issued the ADA Accessibility Guidelines for transportation vehicles in the **Federal Register** on September 6, 1991 (56 FR 44530). 36 CFR part 1192. The Department of Justice has adopted the ADA Accessibility Guidelines for buildings and facilities, as published in the **Federal Register** on July 26, 1991, as the accessibility standards for new construction and alterations of places of public accommodation and commercial facilities covered by title III of the ADA. 56 FR 35544 (July 26, 1991) (28 CFR 36.406). The Department of Transportation has adopted the ADA Accessibility Guidelines for buildings and facilities and for transportation vehicles as the accessibility standards for new construction and alterations of transportation facilities by public entities covered by title II of the ADA and for transportation vehicles acquired by public and private entities covered by titles II and III of the ADA. 56 FR 45584 (September 6, 1991) (49 CFR 37.7 and 37.9).

ADA Research Agenda

In developing the ADA Accessibility Guidelines, the Board asked questions on a number of technical issues. The comments received contributed considerably to the establishment of the guidelines. However, the comments revealed several areas where existing information was insufficient to allow the Board to set specific requirements. In addition, some of the technical provisions of the Board's ADA Accessibility Guidelines are based on research conducted in the middle 1970's which supported the development of the ANSI A117.1–1980 and 1986 standards on which the guidelines are based. In order to gather new information and to update the research that exists, the Board has identified a list of areas where further research and study is needed before it can develop new or additional requirements.

In previous years, the Board has directed approximately $200,000 to $250,000 of its appropriated funds to conduct technical assistance and research projects. In light of the issues identified through ADA rulemaking which require further research and study, the Board has requested approximately $500,000 for such projects in fiscal year 1993.

The Board is particularly interested in information on related technical and research activities which are being planned or sponsored by other public and private organizations, including published and unpublished studies on

any of the issues identified. Comments may include suggestions for prioritizing issues for research and may identify additional issues relating to MGRAD and the ADA Accessibility Guidelines that are in need of further study. The proposed research agenda listed below is not in any order of priority. Items are numbered simply to facilitate public comment.

(1) Medical Facilities' Examination Equipment

• Evaluate permanently installed medical facilities' examination equipment and make recommendations for accessibility guidelines. Develop technical assistance materials based on findings.

(2) Windows

• Gather and analyze existing product information and technical specifications for windows, and make recommendations for accessibility guidelines.

(3) Signage and Orientation Information for Persons Who Are Visually Impaired or Blind

• Examine and make recommendations for making signs that provide information about functional spaces, hazards, or rules of conduct accessible to persons who are blind, including analysis of existing technology such as audible signage for making overhead and remote signage in buildings and facilities accessible.

• Conduct research and make recommendations on how transportation route and schedule information can be made accessible to persons who are visually impaired or blind.

• Evaluate readability and visibility of electronic and LED signs for persons with low vision and make recommendations regarding their use on moving vehicle "head signs".

• Examine the interrelationship of viewing distances and character height and its effect on readability for persons with low vision and make recommendations for revising accessibility guidelines.

(4) Engraved Signage

• Determine what cognitive, perceptual, and maintenance factors impact the readability of engraved signage by persons who are blind or visually impaired.

• Make recommendations for technical specifications for engraved signage, including width, height, and depth of engraving, to ensure readability by persons who are blind or visually impaired.

(5) Special Provisions for Alterations to Buildings and Facilities

• Evaluate and make recommendations for special alterations provisions relating to:
(a) Ramp slope;
(b) Elevator car dimensions; and
(c) Areas of rescue assistance.

(6) Space and Reach Range Requirements for Persons Using Power Wheelchairs and Three-Wheeled Scooters

• Conduct research and make recommendations for technical specifications for clear floor, turning, and maneuvering spaces, and reach ranges for persons using power wheelchairs and three-wheeled scooters.

• Study whether additional specifications for interior circulation in transportation vehicles are needed. Specifically address space limitations at fare boxes in buses and light rail vehicles.

(7) Protruding Objects

• Assess existing technical specifications for protruding objects and make recommendations for revising them.

(8) Detectable Warnings, Handrail Extensions, and Tread Markings for Persons with Visual Impairments

• Examine and make recommendations for technical specifications for detectable warnings at doors to hazardous areas and stairs, including handrail extensions and tread markings, for persons who are blind or visually impaired.

• Evaluate the effects of color and contrast on detectable warning surfaces for persons with low vision, and examine techniques and tools for accurate measurement of contrast under field conditions.

(9) Diagonal and Circular Stairs

• Assess and make recommendations to address orientation and wayfinding problems caused by diagonal and circular stairs for persons who are blind.

(10) Bathing Facility Accessibility

• Conduct research and make recommendations for technical specifications for vertical grab bars in bathtubs and shower areas.

• Analyze existing information and products, and make recommendations for technical specifications for slip resistant shower seats.

• Review and evaluate current standards and existing testing methods for slip resistance in shower stalls and assess such factors as drain location and floor slope. Make recommendations for technical specifications.

• Conduct research and make recommendations for technical specifications for shower head mounting height.

(11) Under Table and Fixed Seating Depth Requirements

• Conduct research and analyze existing technical specifications for knee and toe clearances under tables and make recommendations to ensure that, as appropriate, such provisions accommodate guide dogs. Also make recommendations for space under seats on intercity and commuter rail cars.

(12) Automated Teller Machines [ATMs] and Point of Sale Machines

• Conduct research and make recommendations regarding existing technology for providing Braille printouts of ATM transactions.

• Investigate technology and industry capabilities and make recommendations for specific requirements for contrast, color, and point size for ATM screens to make these readable by persons who have low vision.

• Evaluate existing technical specifications for ATMs and make recommendations regarding whether equipment vandalism and privacy should be addressed.

• Conduct research and make recommendations for making point-of-sale machines accessible.

(13) Homeless Shelters

• Conduct research regarding the need for and impact of accessibility guidelines for transient lodging on homeless shelters and make recommendations for revising guidelines.

(14) Chemical and Environmental Sensitivities

• Identify architectural and design features of buildings and facilities which affect access by persons with chemical and environmental sensitivities.

• Assess activities of other government agencies and standard setting organizations to address needs of persons with chemical and environmental sensitivities.

(15) Ramp Slope

• Evaluate the adequacy of the 1:12 maximum slope.

(16) Swimming Pools

• Analyze and evaluate methods for providing access to swimming pools and make recommendations for various types of pools.

(17) Health Club Equipment

• Survey and evaluate existing methods for providing access to health club equipment and develop technical assistance materials.

(18) Standardization of Audible Alarms

• Conduct a follow-up study on the Auditory Alarms Project to develop specific recommendations for standardization of audible alarms.

(19) Public Information for Persons with Hearing Impairments

• Determine which type of assistive listening system is most effective in certain environments and prepare technical assistance materials.

• Survey and research new technologies for visual display systems and make recommendations for accessibility guidelines.

• Conduct research and gather data on the methods and technologies that are available for making public announcements in transportation facilities and vehicles accessible to persons with hearing impairments. Review results of Department of Transportation study on the effectiveness of external speakers.

(20) Transportation Facilities: Signage Along Circulation Paths and Station Identification Signs

• Gather and analyze information on uniform locations for signage and providing directional signage for persons with visual impairments in transportation facilities, and make recommendations for accessibility guidelines.

• Conduct research and make recommendations on audible signs for use in station identification.

(21) Airports: Security Systems

• Examine and make recommendations for technical specifications for permanently installed security systems at airports, including providing an accessible route through such systems.

(22) Boats and Ferries

• Gather and evaluate information on accessible features for boat and ferry docks and make recommendations for technical specifications for boarding devices, including requirements for the slope and slip resistance of gangplanks. Study and address certain environmental factors, including the effect of tidal changes on gangplank slopes and the effects of salt and water corrosion on elevators.

• Gather additional information regarding securement devices, provision of an accessible route over gunwales, requirements for elevators, and design considerations and cost impact of applying accessible lodging requirements to cruise ships.

(23) Vehicle Ramps

• Gather information and conduct a study on whether the minimum two-inch height side barrier specified for vehicle ramps is adequate and whether this height should vary based on ramp length.

• Conduct research regarding the need for handrails on long vehicle ramps or bridge plates and make recommendations concerning at what length a ramp should be considered a bridge plate and exempt from a handrail requirement.

(24) Steps on Buses, Light Rail, Commuter Rail, and Intercity Rail Cars

• Study the cost and design feasibility of various dimensions for steps on buses, and other transportation vehicles.

(25) Vehicle Doors: All Vehicle Modes

• Conduct research on the factors influencing vehicle door closing force and speed and make recommendations for technical specifications.

(26) Interior Lighting on Buses

• Conduct research and gather information on interior lighting levels on buses to determine whether the existing requirements are adequate.

(27) Intercity Rail Car Restrooms and Sleeping Rooms

• Study the feasibility and cost of providing larger restrooms with wider doors on intercity rail cars. Gather information on power sliding doors and make recommendations for technical specifications.

• Conduct research on whether additional technical specifications are needed for accessible sleeping rooms on intercity rail cars, including maneuvering space.

(28) Lifts: Vehicle Interlock on Commuter and Intercity Trains

• Study the feasibility and cost of providing an interlock system that will prevent movement of commuter and intercity trains when lifts are in use.

(29) Electric Cart Accessibility

• Evaluate methods and costs of providing access to electric or other powered carts for wheelchair users in airports and parks.

(30) Floor Surfaces: Carpet Weave

• Research the effects of carpet weave on maneuverability for wheelchair users and wayfinding for persons who are blind.

(31) Pedestrian Overpasses

• Gather and evaluate information on accessible pedestrian overpasses.

Focus Issues

In addition to the ADA related research issues, the Board has an ongoing technical assistance and research program which includes the periodic review and updating of its guidelines to ensure that they remain consistent with technological advances, research findings, changes in model codes and standards, and continue to meet the needs of persons with disabilities. Beginning in fiscal year 1988, the Board adopted a five year plan of focus issues to guide it in selecting technical assistance and research projects aimed at improving architectural, transportation, and communication accessibility. In recent years the Board focused on accessible and adaptable housing in fiscal year 1989, and transportation in fiscal years 1991 and 1992. In fiscal year 1993, the Board will undertake a new five year plan that focuses on the following issues:

Fiscal year	Focus issue
1993	Universal Design—Projects will address the design of buildings and facilities throughout the lives of the people using them.
1994	Urban Centers/Urban Planning Accessibility issues—Projects will involve the integration of architectural, transportation, communication, and housing accessibility features into urban built environments.
1995	Rural/Suburban Accessibility Issues—Projects will address the integration of accessibility issues such as housing, transportation, communication, and recreation in suburban and rural environments.
1996	Review of State Accessibility Codes, and Accessible Transportation and Communication Systems—Projects will review the ADA Accessibility Guidelines after they have been in place for five years.
1997	Accessibility State to State: An Information Sharing Conference—Projects will support accessibility information sharing conference among States on a variety of issues relating to the ADA Accessibility Guidelines.

These focus issues will help the Board in selecting research projects. The Board requests comments from the public regarding the appropriateness of these focus issues and specifically invites suggestions for the fiscal year 1993 focus issue relating to the concept of universal design. The Board is especially interested in comments that suggest priorities for research projects that will

be consistent with the concept of universal design given the research budget for this year.

As explained in the Encyclopedia of Architecture, the concept of universal design is relatively simple.

> Improved design standards, better information, new products, and lower costs have made it possible for design professionals to begin designing all buildings, interiors and products to be usable by everyone. Instead of responding only to the minimum demands of laws which require a few special features for disabled people, it is possible to design most manufactured items and building elements to be usable by a broader range of human beings including children, elderly people, people with disabilities, and people of different sizes. This concept is called universal design. It is a concept that is now entirely possible and one that makes economic and social sense. 3 Encyclopedia of Architecture, Design, Engineering and Construction 754 (1989).

Buildings which accommodate all people through their life span can be achieved through the application of universal design principles in all phases of the environmental design process including programming, conceptual design, plan development, product specification, and design documentation. Building programs should incorporate information about the variety of building users and their abilities. People with disabilities and older people can be expected to be among employees, customers, and visitors to a facility.

This knowledge, along with information about the functional limitations of these populations, can guide designers in making important decisions about building access in conceptual design and plan development stages, and in integrating universal design features in a sensitive manner. For example, accessible entrances are needed by the 10% of the adult population that has difficulty with stairs, but they also benefit virtually everyone. While an entrance to a building can be made accessible in many ways, some are more consistent with the building form than others. Access standards permit ramps, lifts, or walks which meet the 4G specifications set out in the standards. Ramps, which are perhaps most commonly used, are not ideal for many people, and lifts may malfunction, leaving many people with disabilities unable to enter or exit. In most situations, proper sitting and adjustment of footings can produce level entrances. When site or design constraints conflict, level entrances can be provided through the creative use of bridges to high ground, overhead walks, or exterior elevator towers which can be shared by more than one building.

From the perspective of cost and efficiency, universal design has many advantages:

- The elimination of the need to make future structural modifications to accommodate the changing needs of people as they age.
- The elimination of special, duplicative, and more costly elements to accommodate the needs of people with disabilities. For example, if a building is sited and designed properly to allow for an entry at grade level, it is not necessary to construct a ramp; and the use of appropriate available lavatories and hardware eliminates the use of more costly "handicapped" lavatory and hospital hardware commonly used.
- The building will more efficiently serve the needs of all users. For example, when eliminating separate "handicapped" entrances through the design of one serving the needs of all users, the need to duplicate supporting elements and services such as providing two sets of informational and directional signage and security service is eliminated.

While the concept is relatively simple, integration of the concept of universal design into the practice of architecture and design, and into the construction of buildings and facilities and vehicles, is much more complex and difficult. It involves changing the way people think about design. It involves changing model building codes and accessibility standards and it involves mainstreaming the concept of designing for everyone.

Dated: May 5, 1992.

For the Architectural and Transportation Barriers Compliance Board.

Gordon H. Mansfield,

Chair of the Board.

[FR Doc. 92–11066 Filed 5–11–92; 8:45 am]

BILLING CODE 8150–01–M

federal register

Tuesday
May 12, 1992

Part V

Department of Labor

Employment and Training Administration

Job Training Partnership Act Title III: Defense Conversion Adjustment Program; Demonstration Projects; Notice

DEPARTMENT OF LABOR

Employment and Training Administration

Job Training Partnership Act Title III: Defense Conversion Adjustment Program; Demonstration Projects

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

SUMMARY: The U.S. Department of Labor, Employment and Training Administration (DOL/ETA), announces Defense Conversion Adjustment (DCA) demonstration projects under section 325 of the Job Training Partnership Act (JTPA), to be funded with Department of Defense (DoD) appropriated funds. DoD has provided such funds to ETA to support a program to provide retraining and readjustment services for dislocated workers under title III of the JTPA. These demonstration projects are to encourage and promote innovative responses to dislocations resulting from reductions in expenditures by the United States for defense or by the closure of United States military installations. This notice describes the process that eligible entities must use to apply for demonstration funds, the subject areas for which applications shall be accepted for funding, how grantees are to be selected, and the responsibilities of grantees. It is anticipated that approximately $5 million will be available for funding these projects. Based on the availability of funds and the needs of the Department, additional competitions for DCA demonstration projects may be announced.

DATES: Applications for grant awards will be accepted commencing May 12, 1992. The closing date for receipt of applications shall be July 13, 1992, at 2 p.m. (Eastern Time) at the address below.

ADDRESSES: Applications shall be mailed to Division of Acquisition and Assistance, Attention: Gwendolyn Baron-Simms, Reference: SGA/DAA 92–010, Employment and Training Administration, U.S. Department of Labor, room C–4305, 200 Constitution Avenue NW., Washington, DC 20210.

FOR FURTHER INFORMATION CONTACT: Mr. Robert N. Colombo, Director, Office of Worker Retraining and Adjustment Programs. Telephone: (202) 535–0577 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: This announcement consists of four parts. Part I provides the background and purpose of the demonstration projects under section 325 of the Job Training Partnership Act (JTPA or the Act). Part II identifies demonstration policy and topics. Part III describes the application process and provides detailed guidelines for use in applying for demonstration grants and the selection criteria used in reviewing applications. Part IV describes the reporting requirements.

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Part I. Background

A. Authorities

The National Defense Authorization Act for Fiscal Year 1991 amended JTPA by adding a new Section 325, the Defense Conversion Adjustment (DCA) Program. On October 9, 1991, the Department of Labor (Department or DOL) published a notice in the **Federal Register**, "Job Training Partnership Act: Title III National Reserve Grants for Defense Impacted Workers; Availability of Funds and Application Procedures for Program Year 1991." 56 FR 51128. That announcement solicited grant applications from eligible grantees, and outlined the procedures for submission and consideration of requests for DCA Program funds to provide services to workers experiencing defense-related dislocations.

With this notice, DOL is announcing procedures to establish demonstration projects for workers dislocated or threatened with dislocation due to reduced defense expenditures. Such projects are referenced at section 325(d) of JTPA, which provides that—

> The Secretary may make grants to [States, substate grantees, employers, employer associations, and representatives of employees] for the purpose of developing demonstration projects to encourage and promote innovative responses to the dislocation resulting from reductions in expenditures by the United States for defense or by the closure of United States military installations. Such demonstration projects may include—
>
> (1) Projects to facilitate the placement of eligible employees in occupations experiencing skill shortages that will make use of the skills acquired by the eligible employees during their employment;
>
> (2) Projects to assist in retraining and reorganization efforts designed to avert layoffs that would otherwise occur as a result of such reductions or closures; and
>
> (3) Projects to assist communities in addressing and reducing the impact of such economic dislocation.

B. Purposes of the demonstrations

Each demonstration project is to offer services and activities to assist workers affected by defense-related dislocations in combinations and formats not currently found or anticipated in basic title III or standard defense-related projects. The Department believes that a wide variety of innovative projects will provide the opportunity to evaluate the effectiveness of specific responses, and to identify exemplary approaches that address the specific problems faced in defense-related dislocations.

Part II. Demonstration Policy and Topics

A. Basic Policy

DOL will select a minimum of one and a maximum of four applicants in each category. It is anticipated that the maximum grant awards will be $500,000.

These demonstration projects will be evaluated by an independent contractor to be selected and funded by the Department of Labor under a separate agreement. Grantees must make records available for the evaluation contractor, as necessary.

Under these demonstrations, services as described in JTPA section 314 may be provided to workers dislocated or at risk of dislocation as a result of a reduction in DoD procurements or the full or partial closure of a military facility. Projects which propose to serve workers at risk of dislocation shall describe how such workers shall be identified. For example, a project may propose to base the identification of an at-risk worker on a certification by the employer there is a reasonable degree of certainty that the worker will be separated from employment due to a reduction in expenditures for defense or by closure of a military facility. The application shall describe the circumstances under which "a reasonable degree of certainty" is to be demonstrated.

B. Demonstration Topics

DOL will consider applications for defense-related demonstrations in the following areas. Applications must include information sufficient for DOL/Employment and Training Administration (ETA) to determine that they are responsive to one of the project descriptions listed below:

001 Dislocation aversion to reduce the number of workers who would

otherwise be laid off as a result of defense cutbacks and closures, by retraining the affected workforce of a defense employer that is converting its operations as part of a restructuring program. This demonstration program is to provide early intervention services including worker retraining for eligible workers who are at-risk of losing their jobs as a result of defense cutbacks, so that they qualify for new jobs being created as the employer reorganizes operations under a conversion/diversification plan.

The application must identify the firm whose employees are to be served by the project and must describe the firm's existing mode of production and the need for, changes required for, and the strategy for successful conversion/diversification (i.e., a conversion/diversification plan, specific to the workers and firm targeted for assistance).

The application must describe the means by which workers at risk of dislocation shall be identified. It must identify the current skills and training levels of employees threatened with dislocation, the number to be served by the project, the new skills required by the conversion/diversification, the means of selecting workers for participation, and what services will be offered to the remaining affected workers, if any, who are not selected for this training. It must provide for consultation with the affected employees or with their representative concerning the proposed activities, during both the design and implementation stages of the project.

The application must include information on the non-JTPA resources committed to this project, including employer funds, secured and unsecured loans, grants, and other forms of assistance, public and private. JTPA funds are to be used for allowable activities under Title III which are in addition to those which would otherwise be available in the area in the absence of such funds.

002 Increased worker mobility through innovative assessment and job development/matching techniques, and retraining in needed occupations.

One potential approach under this demonstration would involve targeting services on dislocated workers whose occupational skills have been acquired primarily in a workplace setting, who lack degrees or certificates attesting to their knowledge and abilities, and who are unlikely to remain in their specific occupation. This demonstration program is designed to facilitate the placement of experienced workers whose academic credentials may not adequately reflect the currency, breadth, or depth of their experience by certifying and enhancing existing skills and engaging employers in the development of emerging industry standards.

A second approach could be targeted to reapplying closely aligned defense-related skills to socially important occupations, and/or providing significant retraining from a defense-only skill to one marketable in the civilian workplace. Such efforts would focus first on industry needs and occupational requirements, then on development of appropriate curricula and training activities.

Under either approach, the application must indicate which occupational group or groups of workers will be targeted for assistance, and must describe how the project will recruit and serve such individuals. Any eligible grantee may apply, but applications are particularly sought from employer associations and representatives of employees.

003 Community planning to mobilize Federal, State, and local resources under comprehensive plans for coordinated community adjustment efforts for areas suffering significant economic dislocation as a result of defense-related layoffs. This demonstration program will center on communities where a military base or defense contractor(s) accounts for a substantial share of local economic activity, and where the resources required to cope with such dislocations far exceed those available to the community.

Traditionally, Federal planning assistance has focused on reuse of Federal property. The components of this demonstration program will be activities where reuse of Federal property is not at issue, to identify the broad range of community needs resulting from a defense-related dislocation which will have a significant impact on the community, to develop a comprehensive plan to respond to those needs, and to establish a community-based task force to coordinate and oversee the implementation of the plan. This demonstration should include cooperative agreements between the local Private Industry Council, the State JTPA program, economic development agencies, and other organizations capable of assisting in comprehensive planning and delivery of services. Any eligible grantee may apply, but applications are particularly sought from substate grantees under Title III of JTPA.

004 Economic development to stimulate reemployment opportunities by linking State retraining efforts with U.S. Department of Commerce activities. It will test a coordinated response with the Department of Defense's (DoD) Office of Economic Adjustment and may include linkages with State economic development agency activities to create new employment in the community.

Focused primarily on providing retraining for dislocated workers, this demonstration will link reemployment opportunities created at abandoned military facilities with the needs of the workers dislocated as a result of the closing of the facility. Applications for this demonstration program must describe processes to identify affected workers in need of reemployment assistance (i.e., those lacking transferrable skills) and potential occupations and industries for retraining. Applications must provide for close coordination with efforts by economic development staff to identify firms and industries whose presence at the abandoned facility would offer the affected workers the best reemployment opportunities, as measured by skill and wage level of the new jobs, long-term growth potential of the new jobs/industry, and/or other factors as identified in the grant application.

005 Locally initiated to test carefully designed but unsolicited creative responses to defense-related layoffs. Subjects may include retraining in order to apply defense-related skills to civilian occupations, assistance to professional/technical/managerial dislocated workers, self-employment training, appropriate early intervention strategies for workers whose layoff is reasonably certain, critical skills programs, nationwide job search assistance, as well as other areas of inquiry with relevance to the national dislocated worker program.

An application in this category must clearly identify the objectives to be achieved through the proposed intervention, including planned outcomes.

Part III. Application Process

A. Eligible Grantees

Eligible grantees for demonstration projects funded under this announcement include States, Title III substate grantees, employers, employer associations, and representatives of employees. States and substate grantees are defined at section 301 of the Act. Employers may apply if they have terminated or laid off, or are planning to terminate or lay off, employees as a result of reduced defense expenditures. Employer associations may apply if they include employers who may apply. Representatives of employees, including

labor unions, may apply if they represent employees who are or will be eligible for DCA assistance. DOL expects that, in such cases where more than one eligible grantee wishes to apply for a grant to serve the same target population, applicants will establish appropriate linkages and submit a single application under a single proposed administrative entity.

B. Application Procedures

1. *Submission of Proposal*—An original and three (3) copies of the proposal shall be submitted. The proposal shall consist of two (2) separate and distinct parts—Part I, the Financial Proposal, and Part II, the Technical Proposal. Each application will be considered for only one demonstration project category. The demonstration project category being applied for must be identified on SF 424, item 11, and on the front of each proposal, in accordance with the following:

Code 001—Dislocation aversion
Code 002—Increased worker mobility
Code 003—Community planning
Code 004—Economic development
Code 005—Locally initiated

The Financial Proposal, part I, shall contain the Standard Form (SF) 424, "Application for Federal Assistance," and SF 424A, "Budget." The Federal Domestic Assistance Catalog number is 17.246. The budget shall include on a separate page(s) a detailed cost analysis of each line item in the budget, in accordance with the Title III cost categories at § 631.13 of the JTPA regulations (20 CFR 631.13).

Federal funds will not support training which the employer is in a position to, and would otherwise provide. Federal funds may not be used for purchases of production equipment. The only type of equipment that may be purchased with Federal funds is equipment to be used exclusively for training project participants.

Applicants may budget limited amounts of grant funds to work with technical expert(s) to provide advice and develop more complete project plans.

The budget should also identify any non-JTPA resources committed to this project, including employer funds, in-kind resources, secured and unsecured loans, grants, and other forms of assistance, public and private.

The technical proposal, part II, shall demonstrate the offeror's capabilities in accordance with the Statement of Work/Project Summary in Section C. NO COST DATA OR REFERENCE TO PRICE SHALL BE INCLUDED IN THE TECHNICAL PROPOSAL.

2. *Late Proposals*—Any proposal not reaching the designated place, by the specified time and date of delivery requirements will not be considered, unless mailed five (5) days prior to the closing date. The term "Postmark" means a printed, stamped or otherwise placed impression (exclusive of postage meter machine impression) that is readily identifiable without further action as having been supplied or affixed on the date of mailing by employers of the U.S. Postal Service.

3. *Hand-Delivered Proposals*—It is preferred that the proposals be mailed five days prior to the closing date. However, hand-delivered proposals must be received by 2 p.m., Eastern Time by July 13, 1992. Telegraphed and/or faxed proposals will not be honored. Failure to adhere to the above instructions will be a basis for a determination of nonresponsiveness.

4. *Period of Performance*—The period of performance will be eighteen (18) months from the date of grant execution. It is anticipated that approximately $5 million will be available for funding these projects. The maximum grant award will be $500,000.

5. *Option to Extend*—Based on the availability of funds, effective program operation and the needs of the Department, the grant(s) may be extended for up to two additional years. Based on the availability of funds and the needs of the Department, additional competitions for DCA demonstration projects may be announced.

6. *Definitions*—Unless otherwise indicated in this announcement, definitions of terms used herein shall be those definitions found in the Job Training Partnership Act, as amended, particularly at section 4 and section 301.

7. *Page Count Limit*—Applications are to be limited to 30 single-side pages, single-spaced.

C. Statement of Work/Project Summary

Each application must include in the appropriate section(s) any specific information identified in the discussion under part II.B. Demonstration topics above and other information necessary for the Department to evaluate the application in terms of the selection criteria identified in part III.C. Each application should generally follow the format outlined here:

1. *Target group.* A description/profile of the workers targeted for assistance by the project, including but not limited to:

- The skill deficiencies of the target group and how each was determined;
- The new skills and skill requirements that are required; and
- The process to be used to identify participants for this demonstration program from among those eligible for participation.

2. *Defense impact and need.* A discussion of the impact, including the economic consequences, of reductions in defense industry employment or reductions in the number of DoD military and civilian personnel in the State(s) and in the specific substate area(s) likely to receive assistance under this grant.

- The severity of the circumstances faced by the affected workers, firm, and/or community, including, for conversion/diversification project applications, a demonstration of the likelihood of worker dislocations absent Federal intervention;
- The area to be served by the project, including the local workforce characteristics such as level of education and average earnings, the current unemployment rate, the number of dislocated workers in the area, and the (non-demonstration grant) Title III funds, if any, budgeted to serve those workers.

3. *Non-duplication/maintenance of effort.* An explanation of how it will be determined that the activities to be conducted with funds under this demonstration project are addition to those which would otherwise be available in the absence of such funds.

4. *Coordination and linkages.* A description of the relationship between the Demonstration Program project and the existing title III program; any applicable DoD programs; local institutions and agencies involved in economic development activities; and other available resources which will enhance the opportunities for success of the demonstration project.

- Evidence of consultation with the State JTPA agency, if appropriate, and substate grantee(s), as appropriate.

5. *Services.* A description of the activities to be conducted. The activities must be allowable under section 314 of the Act.

- A description of the outreach, recruitment, and intake system to achieve planned enrollment levels.
- A description of how the project will determine the plan of assistance for each of the workers.
- The specific occupations selected for training.
- The services to be provided and the service mix, including:
- How the prescribed interventions will meet the needs of the target population;

• A discussion of how the skill training activities address participants' specific skill deficiencies.

• Identification of the service provider(s), including demonstrated effectiveness (past experience).

• A plan showing the timing of all services and appropriate decision points.

6. *Consultation with organized labor.* If appropriate, evidence of consultation with organized labor concerning this application.

7. *Non-JTPA resources.* The application should discuss the other services and resources in terms of how each will contribute to the objectives of the demonstration.

• A proposal for a conversion/diversification project must indicate the specific contribution of the employer, and labor organization (if appropriate).

8. *Outcomes.* The projected results of the project, including as appropriate:

• Clear descriptions/definitions of measurable goals and outcomes to determine the project's effectiveness, particularly those relating to participants' satisfactory completion of the project, and other "successful" outcomes;

• The number of participants projected to enroll in, and successfully complete, the program;

• Participants' average wages prior to and at completion of project; and

• Any additional measurable, performance-based outcomes that are relevant to the proposed intervention and which may be readily assessed during the period of performance of the project. Explain how such additional measures are relevant to the purpose of the demonstration program.

• In addition to measurable outcomes, the proposal should provide other appropriate information on projected results, including if appropriate how the demonstration will lead to a more broadly based workforce and how its flexibility and adaptability to change will be enhanced by the actions proposed in the demonstrations.

9. *Technical input.* Describe how the proposed plan was developed including any expert input, previous demonstrations, research, and other information which will establish the research context for the proposed demonstration.

10. *Innovation.* Describe how the proposed approach represents an innovative method of addressing the needs of dislocated workers.

11. *Replicability.* Provide any relevant information to demonstrate that the approach proposed may be applicable to a broad series of dislocated worker problems across the country.

D. Rating Criteria for Award

Prospective offerors are advised that the selection of grantee(s) for award is to be made after careful evaluation of proposals by a panel of specialists within DOL and DoD. Panelists will evaluate the proposals for acceptability with emphasis on the various factors enumerated below. The panel results are advisory in nature and not binding on the Grant Officer.

Grant applications will be considered for funding where DoD has concurred that the workers to be served by the project described in the application have been or are likely to be dislocated as a result of reduced expenditures by the United States for defense or by closure or substantial reductions at United States military facilities.

1. Technical Evaluation (75 Points)

Target Group Selection Criteria. The process to be used to identify participants for this demonstration program from among those eligible for participation. (10 points)

Coordination and Linkages; Utilization of Resources. The extent to which the project will be integrated with other existing program, community, and company resources. (15 points)

Services. The services to be provided and the service mix, including the degree to which the services appear to meet the needs of the target population. The degree to which such services are appropriate to the type of demonstration proposed. (30 points)

Demonstrated Experience. Experience in the oversight and operation of programs similar to the proposed program. (10 points)

Innovation and replicability. The novelty of the proposed approach. The likelihood that the approach may be applicable to a broad series of dislocated worker problems across the country. (10 points)

2. Cost Evaluation (25 Percent)

The cost effectiveness of the project as indicated by cost per participant, cost per placement, and cost per activity in relation to services provided and outcomes anticipated.

Applicants are advised that discussions may be necessary in order to clarify any inconsistencies in their applications.

Applications may be rejected where the information required is not provided in sufficient detail to permit adequate assessment of the proposal. The final decision on the award will be based on what is most advantageous to the Federal Government as determined by the ETA Grant Officer. Evaluations by reviewers are advisory only to the Grant Office.

Part IV. Reporting Requirements

1. Quarterly Financial Reports as required by the grant award documents.

2. Quarterly Progress Reports.

3. Final Project Report including an assessment of project performance.

Signed at Washington, DC, this 6th day of May 1992.

Roberts T. Jones,

Assistant Secretary of Labor.

[FR Doc. 92–11108 Filed 5–11–92; 8:45 am]

BILLING CODE 4510–30–M

federal register

Tuesday
May 12, 1992

Part VI

Department of Defense
General Services Administration
National Aeronautics and Space Administration

48 CFR Ch. 1, et al.

Federal Acquisition Regulation: Miscellaneous Amendments, Notification of Employee Rights Concerning Union Dues or Fees, Buy American Act—Construction Materials, South African Trade, Technical Amendments and Corrections; Rules

Federal Acquisition Regulation Availability on Electronic Bulletin Board and CD-ROM; Notice

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Chapter 1

[Federal Acquisition Circular 90-11]

Federal Acquisition Regulation; Introduction of Miscellaneous Amendments

AGENCY: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Summary presentation of final and interim rules.

SUMMARY: This document serves to introduce and relate together the final and interim rule documents which follow and which comprise Federal Acquisition Circular (FAC) 90-11. The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council have agreed to issue FAC 90-11 to amend the Federal Acquisition Regulation (FAR) to implement changes in the following subject areas:

Item and subject	FAR case	DAR case	Analyst
I—Notification of Employee Rights Concerning Payment of Union Dues or Fees (Executive Order 12800).	92-608 (Interim)	N/A	O'Neill.
II—Buy American Act—Construction Materials	91-75 (interim)	91-305	Loeb.
III—South African Trade	90-66	88-150	Loeb.
IV—Technical Amendments and Corrections			

DATES: For effective dates and comment dates, see individual documents which follow.

FOR FURTHER INFORMATION CONTACT: The analyst whose name appears in relation to each FAR case or subject area. For general information, contact the FAR Secretariat, room 4037, GS Building, Washington, DC 20405 (202) 501-4755. Please cite FAC 90-11 and FAR case number(s).

SUPPLEMENTARY INFORMATION: Federal Acquisition Circular 90-11 amends the Federal Acquisition Regulation (FAR) as specified below:

Case Summaries

For the actual revisions and/or amendments to these FAR cases, refer to the specific item number and subject set forth in the documents following these item summaries.

Item I—Notification of Employee Rights Concerning Payment of Union Dues or Fees (Executive Order 12800) (FAR Case 92-608)

This interim rule is the FAR implementation of Executive Order 12800 of April 13, 1992, regarding Notification of Employee Rights Concerning Payment of Union Dues or Fees. The rule prescribes a new FAR clause at 52.222-18 to be included in every solicitation and contract, other than small purchase contracts governed by part 13 of the Federal Acquisition Regulation and contracts covered by an exemption granted by the Secretary of Labor, entered into, amended, renegotiated, or renewed after May 13, 1992. If printed posters are not available, contractors should be advised to prepare such notices in a size and form reasonably calculated to convey the information required by the clause.

Item II—Buy American Act—Construction Materials (FAR Case 91-75)

FAR 25.201 and 52.225-5 are revised to modify the definition of "construction material" to require evaluation of an emergency life safety system as a single construction material under the Buy American Act, regardless of when and how the individual parts or components are delivered to the construction site. This interim rule implements section 631 of Public Law 102-141, Treasury, Postal Service and General Appropriations Act.

Item III—South African Trade (FAR Case 90-66)

FAR subpart 25.7 and the clause at 52.225-11, Restrictions on Certain Foreign Purchases, are amended to remove coverage implementing the restrictions imposed by the Comprehensive Anti-Apartheid Act of 1986 on trade with South Africa. Sanctions on acquiring arms, ammunition, military vehicles, or manufacturing data for such articles continue under original authority of the Arms Export Control Act (22 U.S.C. 2778).

Item IV—Technical Amendments and Corrections

Technical amendments or corrections have been made to FAR §§ 26.103(b), 31.205-46(a)(2)(i), the undesignated paragraph following 31.205-46(a)(6), and 53.203(b) to correct inaccuracies and update information.

Dated: April 30, 1992.

Albert A. Vicchiolla,

Director, Office of Federal Acquisition Policy.

Federal Acquisition Circular

Federal Acquisition Circular (FAC) 90-11 is issued under the authority of the Secretary of Defense, the Administrator of General Services, and the Administrator for the National Aeronautics and Space Administration.

Unless otherwise specified, all Federal Acquisition Regulation (FAR) and other directive material contained in FAC 90-11 is effective May 12, 1992, except for Item I, Notification of Employee Rights Concerning Payment of Union Dues or Fees, which is effective May 13, 1992.

Dated: May 6, 1992.

D.S. Parry,

Capt., SC USN, Deputy Director for Defense Procurement, Department of Defense.

Dated: May 4, 1992.

Richard H. Hopf, III,

Associate Administrator, Office of Acquisition Policy, General Services Administration.

Dated: May 5, 1992.

Darleen A. Druyun,

Assistant Administrator for Procurement, NASA.

[FR Doc. 92-11010 Filed 5-11-92; 8:45 am]

BILLING CODE 6820-34-M

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 22 and 52

[FAC 90-11; FAR Case 92-608; Item I]

Federal Acquisition Regulation; Notification of Employee Rights Concerning Payment of Union Dues or Fees (Executive Order 12800)

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Interim rule with request for comment.

SUMMARY: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council have agreed to an interim rule implementing Executive Order 12800 of April 13, 1992, regarding Notification of Employee Rights Concerning Payment of Union Dues or Fees. The rule prescribes a new FAR clause at 52.222-18 to be included in every solicitation and contract, other than small purchases governed by part 13 of the Federal Acquisition Regulation and contracts covered by an exemption granted by the Secretary of Labor, entered into, amended, renegotiated, or renewed on or after May 13, 1992.

DATES: *Effective Date:* May 13, 1992.

Comment Date: Comments should be submitted to the FAR Secretariat at the address shown below on or before July 13, 1992, to be considered in the formulation of a final rule.

ADDRESSES: Interested parties should submit written comments to: General Services Administration, FAR Secretariat (VRS), 18th & F Streets, NW., room 4037, Attn: Ms. Deloris Baker, Washington, DC 20405. Please cite FAC 90-11, FAR case 92-608 in all correspondence related to this case.

FOR FURTHER INFORMATION CONTACT: Mr. Jack O'Neill at (202) 501-3856 in reference to this FAR case. For general information, contact the FAR Secretariat, room 4037, GS Building, Washington, DC 20405, (202) 501-4755. Please cite FAC 90-11, FAR case 92-608.

SUPPLEMENTARY INFORMATION:

A. Background

This rule implements Executive Order 12800 of April 13, 1992, Notification of Employee Rights Concerning Payment of Union Dues or Fees.

B. Regulatory Flexibility Act

The interim rule is not expected to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because the rule merely requires contractors to post notices and to insert a clause in subcontracts and purchase orders requiring subcontractors and vendors to post the notices also. The notices merely advise the contractors' and subcontractors' nonunion member employees of their rights under existing law concerning use of their union dues or fees where a union security agreement is in place. The rule provides sanctions for noncompliance, but full compliance with the Executive Order and any related rules, regulations, and orders of the Secretary of Labor is expected of all contractors. Accordingly, no significant economic impact on a substantial number of small entities is expected. An Initial Regulatory Flexibility Analysis has, therefore, not been performed. Comments from small entities concerning the affected FAR subpart will be considered in accordance with 5 U.S.C. 610 of the Act. Such comments must be submitted separately and cite 5 U.S.C. 601, *et seq.* (FAR Case 92-608), in correspondence.

C. Paperwork Reduction Act

The Paperwork Reduction Act (Pub. L. 96-511) is deemed to apply because the interim rule contains information collection requirements. Accordingly, a request for approval of a new information collection requirement concerning Notification of Employee Rights Concerning Payment of Union Dues or Fees, 9000-0127, has been submitted to the Office of Management and Budget under 44 U.S.C. 3501, *et seq.* Public comments concerning this request have been invited through a subsequent **Federal Register** notice.

D. Determination to Issue an Interim Rule

A determination has been made under the authority of the Secretary of Defense (DOD), the Administrator of General Services (GSA), and the Administrator of the National Aeronautics and Space Administration (NASA) that compelling reasons exist to promulgate this interim rule without prior opportunity for public comment. However, public comments received in response to this interim rule will be considered in formulating the final rule. The rule is necessary to implement Executive Order 12800 of April 13, 1992, which is effective 30 days after the date of the Order.

List of Subjects in 48 CFR Parts 22 and 52

Government procurement.

Dated: April 30, 1992.

Albert A. Vicchiolla,

Director, Office of Federal Acquisition Policy.

Therefore, 48 CFR parts 22 and 52 are amended as set forth below:

1. The authority citation for 48 CFR parts 22 and 52 continues to read as follows:

Authority: 40 U.S.C. 486(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

PART 22—APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS

2. Subpart 21.15, consisting of sections 22.1500 through 22.1509, is added to read as follows:

Subpart 22.15—Notification of Employee Rights Concerning Payment of Union Dues or Fees

22.1500 Scope of subpart.
22.1501 Policy.
22.1502 Definitions.
22.1503 Contract clause.
22.1504 Exemptions granted by Secretary of Labor.
22.1505 Compliance investigations.
22.1506 Compliance hearings.
22.1507 Sanctions for noncompliance.
22.1508 Contracting agency's report.
22.1509 Cooperation with the Secretary.

Subpart 22.15—Notification of Employee Rights Concerning Payment of Union Dues or Fees

22.1500 Scope of subpart.

This subpart prescribes policies and procedures to implement Executive Order 12800, April 13, 1992.

22.1501 Policy.

Executive Order 12800 generally requires contractors to post a notice informing employees of their rights concerning payment of union dues or fees and to include this requirement in subcontracts and purchase orders.

22.1502 Definitions.

Secretary, as used in this subpart, means the Secretary of Labor.

22.1503 Contract clause.

The contracting officer shall insert the clause at 52.222–18, Notification of Employee Rights Concerning Payment of Union Dues or Fees, in all solicitations and contracts except (a) small purchases under part 13, (b) contracts covered by an exemption granted by the Secretary of Labor. A contracting agency may modify the clause at 52.222–18, if necessary, to reflect an exemption granted by the Secretary (see 22.1504).

22.1504 Exemptions granted by Secretary of Labor.

The Secretary may grant exemptions from the requirements of this subpart, including the requirement to include the clause at 52.222–18, or parts of that clause, in contracts.

22.1505 Compliance investigations.

The Secretary may investigate any Government contractor, subcontractor, or vendor to determine whether a clause required by this subpart has been violated.

22.1506 Compliance hearings.

(a) The Secretary, or any agency or officer in the executive branch of the Government designated by rule, regulation, or order of the Secretary, may hold such hearings, public or private, regarding compliance with Executive Order 12800 as the Secretary may deem advisable.

(b) Neither an order for debarment of any contractor from further Government contracts under section 6(b) of Executive Order 12800, nor the inclusion of a contractor on a published list of noncomplying contractors under section 6(c) of Executive Order 12800, shall be carried out without affording the contractor an opportunity for a hearing.

22.1507 Sanctions for noncompliance.

Executive Order 12800 provides that, in accordance with such rules, regulations, or orders as the Secretary may issue or adopt, the Secretary may—

(a) After consulting with the contracting department or agency, direct that department or agency to cancel, terminate, suspend, or cause to be cancelled, terminated, or suspended, any contract, or any portion or portions thereof, for failure of the contractor to comply with the contractual provisions required by section 2 of the Order; contracts may be cancelled, terminated, or suspended absolutely, or continuance of contracts may be conditioned upon future compliance; *Provided,* That before issuing a directive under section 6(a) of the Order, the Secretary shall provide the head of the contracting department or agency an opportunity to offer written objections, which shall include a complete statement of reasons for the objections, among which reasons shall be a finding that completion of the contract is essential to the agency's mission, to the issuance of such a directive; *and provided further,* That no directive shall be issued by the Secretary under section 6(a) of the Order so long as the head of the contracting department or agency continues personally to object to the issuance of such directive;

(b) After consulting with each affected contracting department or agency, provide that one or more contracting departments or agencies shall refrain from entering into further contracts, or extensions or other modifications of existing contracts, with any noncomplying contractor, until such contractor has satisfied the Secretary that such contractor has complied with and will carry out the provisions of the Order; *provided,* That before issuing a directive under section 6(b) of the Order, the Secretary shall provide the head of each contracting department or agency an opportunity to offer written objections, which shall include a complete statement of reasons for the objections, among which reasons shall be a finding that further contracts or extensions or other modifications of existing contracts with the noncomplying contractor are essential to the agency's mission, to the issuance of such a directive; *and provided further,* That no directive shall be issued by the Secretary under section 6(b) of the Order so long as the head of a contracting department or agency continues personally to object to the issuance of such directive; and

(c) Publish, or cause to be published, the names of contractors that have, in the judgment of the Secretary, failed to comply with the provisions of the Order or of related rules, regulations, and orders of the Secretary.

22.1508 Contracting agency's report.

Whenever the Secretary invokes the authority described in 22.1507, the contracting department or agency shall report the results of the action it has taken to the Secretary within such time as the Secretary shall specify.

22.1509 Cooperation with the Secretary.

Each contracting department and agency shall cooperate with the Secretary and provide such information and assistance as the Secretary may require in the performance of the Secretary's functions under Executive Order 12800.

PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

3. Section 52.222–18 is added to read as follows:

52.222–18 Notification of employee rights concerning payment of union dues or fees.

As prescribed in 22.1503, insert the following clauses:

Notification of Employee Rights Concerning Payment of Union Dues or Fees (May 1992)

(a) During the term of this contract, the Contractor agrees to post a notice, of such size and in such form as the Secretary of Labor may prescribe, in conspicuous places in and about its plants and offices, including all places where notices to employees are customarily posted. The notice shall include the following information (except that the last sentence shall not be included in notices posted in the plants or offices of carriers subject to the Railway Labor Act, as amended (45 U.S.C. 151–188)):

Notice to Employees

Under Federal law, employees cannot be required to join a union or maintain membership in a union in order to retain their jobs. Under certain conditions, the law permits a union and an employer to enter into a union-security agreement requiring employees to pay uniform periodic dues and initiation fees. However, employees who are not union members can object to the use of their payments for certain purposes and can only be required to pay their share of union costs relating to collective bargaining, contract administration, and grievance adjustment.

If you believe that you have been required to pay dues or fees used in part to support activities not related to collective bargaining, contract administration, or grievance adjustment, you may be entitled to a refund and to an appropriate reduction in future payments.

For further information concerning your rights, you may wish to contact either a Regional Office of the National Labor Relations Board or: National Labor Relations Board, Division of Information, 1717 Pennsylvania Avenue, NW., Washington, DC 20570.

(b) The Contractor will comply with all provisions of Executive Order 12800 of April 13, 1992, and related rules, regulations, and orders of the Secretary of Labor.

(c) In the event that the Contractor does not comply with any of the requirements set forth in paragraphs (a) or (b) of this clause, this contract may be cancelled, terminated, or suspended in whole or in part, and the Contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in or adopted pursuant to Executive Order 12800 of April 13, 1992. Such other sanctions or remedies may be imposed as are provided in Executive Order 12800 of April 13, 1992, or by rule, regulation, or order of the Secretary of Labor, or as are otherwise provided by law.

(d) The Contractor will include the provisions of paragraphs (a) through (c) in every subcontract or purchase order entered into in connection with this contract unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 3 of Executive Order 12800 of April 13, 1992, so that such provisions will be binding upon each subcontractor or vendor. The Contractor will take such action with respect to any such subcontract or purchase order as may be directed by the Secretary of Labor as a means of enforcing such provisions, including the imposition of sanctions for noncompliance; *provided, however,* that if the Contractor becomes involved in litigation with a subcontractor or vendor, or is threatened with such involvement, as a result of such direction, the Contractor may request the United States to enter into such litigation to protect the interests of the United States.

(End of Clause)

[FR Doc. 92-11009 Filed 5-11-92; 8:45 am]

BILLING CODE 6820-34-M

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 25 and 52

[FAC 90-11; FAR Case 91-75; Item II]

Federal Acquisition Regulation; Buy American Act—Construction Materials

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Interim rule with request for comment.

SUMMARY: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council have agreed to an interim rule revising FAR 25.201 and 52.225-5 by modifying the definition of "construction material" to require evaluation of an emergency life safety system as a single construction material under the Buy American Act, regardless of when and how the individual parts or components are delivered to the construction site.

DATES: *Effective Date:* May 12, 1992.

Comment Date: Comments should be submitted to the FAR Secretariat at the address shown below on or before July 13, 1992, to be considered in the formulation of a final rule.

ADDRESSES: Interested parties should submit written comments to: General Services Administration, FAR Secretariat (VRS), 18th & F Streets NW., room 4037, Attn: Ms. Deloris Baker, Washington, DC 20405. Please cite FAC 90-11, FAR case 91-75 in all correspondence related to this case.

FOR FURTHER INFORMATION CONTACT: Mr. Edward Loeb at (202) 501-4547 in reference to this FAR case. For general information, contact the FAR Secretariat, room 4037, GS Building, Washington, DC 20405, (202) 501-4755. Please cite FAC 90-11, FAR case 91-75.

SUPPLEMENTARY INFORMATION:

A. Background

This interim rule implements section 631 of Public Law 102-141, Treasury, Postal Service and General Government Appropriations Act. Section 631 requires evaluation of an emergency life safety system as a single construction material under the Buy American Act, regardless of when and how the individual parts or components are delivered to the construction site.

B. Regulatory Flexibility Act

The changes may have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because it increases the potential use of foreign components in construction projects and, therefore, may have an adverse impact on small U.S. businesses who manufacture components of emergency life safety systems. An Initial Regulatory Flexibility Analysis (IRFA) has been prepared and will be provided to the Chief Counsel for Advocacy for the Small Business Administration. A copy of the IRFA may be obtained from the FAR Secretariat. Comments are invited. Comments from small entities concerning the affected FAR subpart will also be considered in accordance with 5 U.S.C. 610. Such comments must be submitted separately and cite 5 U.S.C. 601, *et seq.* (FAR Case 91-75) in correspondence.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the changes to the FAR do not impose recordkeeping or information collection requirements or collection of information from offerors, contractors, or members of the public which require the approval of OMB under 44 U.S.C. 3501, *et seq.*

D. Determination To Issue an Interim Rule

A determination has been made under the authority of the Secretary of Defense (DOD), the Administrator of General Services (GSA), and the Administrator of the National Aeronautics and Space Administration (NASA) that compelling reasons exist to promulgate this interim rule without prior opportunity for public comment. However, pursuant to Public Law 98-577 and FAR 1.501, public comments received in response to this interim rule will be considered in formulating the final rule. This action is necessary because section 631 of Public Law 102-141, Treasury, Postal Service and General Government Appropriations Act, requires evaluation of an emergency life safety system as a single construction material under the Buy American Act.

List of Subjects in 48 CFR Parts 25 and 52

Government procurement.

Dated: April 30, 1992.

Albert A. Vicchiolla,

Director, Office of Federal Acquisition Policy.

Therefore, 48 CFR parts 25 and 52 are amended as set forth below:

1. The authority citation for 48 CFR parts 25 and 52 continues to read as follows:

Authority: 40 U.S.C. 486(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

PART 25—FOREIGN ACQUISITION

2. Section 25.201 is amended by revising the definition of "Construction materials" to read as follows:

25.201 Definitions.

* * * * *

Construction material, as used in this subpart, means an article, material, or supply brought to the construction site for incorporation into the building or work. Construction material also includes an item brought to the site pre-assembled from articles, materials, and supplies. However, emergency life safety systems, such as emergency lighting, fire alarm, and audio evacuation systems, which are discrete systems incorporated into a public building or work and which are produced as a complete system, shall be evaluated as a single and distinct construction material regardless of when or how the individual parts or components of such systems are delivered to the construction site.

* * * * *

PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

3. Section 52.225-5 is amended by revising the date of the clause to read "(MAY 1992)"; removing the derivation lines following "(End of clause)"; and revising in paragraph (a) the definition of "Construction materials" to read as follows:

52.225-5 Buy American Act—Construction Materials.

* * * * *

Buy American Act—Construction Materials (May 1992)

(a) * * *

Construction material, as used in this clause, means an article, material, or supply brought to the construction site for incorporation into the building or work. Construction material also includes an item brought to the site pre-assembled from articles, materials or supplies. However, emergency life safety systems, such as emergency lighting, fire alarm, and audio evacuation systems, which are discrete systems incorporated into a public building or work and which are produced as a complete system, shall be evaluated as a single and distinct construction material regardless of when or how the individual parts or components of such systems are delivered to the construction site.

* * * * *

[FR Doc. 92-11013 Filed 5-11-92; 8:45 am]

BILLING CODE 6820-34-M

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 25 and 52

RIN 9000-AE33

[FAC 90-11; FAR Case 90-66; Item III]

Federal Acquisition Regulation; South African Trade

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council have agreed on a final rule with respect to the following: FAR subpart 25.7 and the clause at 52.225-11, Restrictions on Certain Foreign Purchases, are amended to remove coverage implementing the restrictions imposed by the Comprehensive Anti-Apartheid Act of 1986 on trade with South Africa.

EFFECTIVE DATE: May 12, 1992.

FOR FURTHER INFORMATION CONTACT: Mr. Edward Loeb at (202) 501-4547 in reference to this FAR case. For general information, contact the FAR Secretariat, room 4037, GS Building, Washington, DC 20405 (202) 501-4755. Please cite FAC 90-11, FAR case 90-66.

SUPPLEMENTARY INFORMATION:

A. Background

These changes result from Executive Order 12769 dated July 10, 1991. The Order terminates sanctions imposed by title III and sections 501(c) and 504(b) of the Comprehensive Anti-Apartheid Act of 1986. Sanctions on acquiring arms, ammunition, military vehicles, or manufacturing data for such articles continue under original authority of the Arms Export Control Act (22 U.S.C. 2778).

B. Regulatory Flexibility Act

The final rule does not constitute a significant FAR revision within the meaning of FAR 1.501 and Public Law 98-577 and publication for public comments is not required. The final rule removes current FAR restrictions as required by Executive Order 12769 on acquisitions from South Africa. Therefore, the Regulatory Flexibility Act does not apply. However, comments from small entities concerning the affected subpart will be considered in accordance with 5 U.S.C. 610. Such comments must be submitted separately and cite 5 U.S.C. 601, *et seq.* (FAC 90-11, FAR case 90-66), in correspondence.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the changes to the FAR do not impose recordkeeping or information collection requirements, or collections of information from offerors, contractors, or members of the public which require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Parts 25 and 52

Government procurement.

Dated: April 30, 1992.

Albert A. Vicchiolla,

Director, Office of Federal Acquisition Policy.

Therefore, 48 CFR parts 25 and 52 are amended as set forth below:

1. The authority citation for 48 CFR parts 25 and 52 continues to read as follows:

Authority: 40 U.S.C. 486(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

PART 25—FOREIGN ACQUISITION

25.701 [Removed]

2. Section 25.701 is removed and reserved.

25.702 [Amended]

3. Section 25.702(a)(3) is amended by revising the citation to read "(22 U.S.C. 2778)" and by removing paragraph (b) and redesignating paragraph (c) as paragraph (b).

25.703 [Amended]

4. Section 25.703 is amended by removing the paragraph designation "(a)" and removing paragraph (b).

PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

5. Section 52.225-11 is revised to read as follows:

52.225-11 Restrictions on Certain Foreign Purchases.

As prescribed in 25.704, insert the following clause in solicitations and contracts:

Restrictions on Certain Foreign Purchases (May 1992)

(a) Unless advance written approval of the Contracting Officer is obtained, the Contractor shall not acquire for use in the performance of this contract—

(1) Any supplies or services originating from sources within the communist areas of North Korea, Vietnam, Cambodia, or Cuba;

(2) Any supplies that are or were located in or transported from or through North Korea, Vietnam, Cambodia, or Cuba; or

(3) Arms, ammunition, or military vehicles produced in South Africa, or manufacturing data for such articles.

(b) The Contractor shall not acquire for use in the performance of this contract supplies or services originating from sources within Iraq, any supplies that are or were located in or transported from or through Iraq, or any supplies or services from entities controlled by the Government of Iraq.

(c) The Contractor agrees to insert the provisions of this clause, including this paragraph (c), in all subcontracts hereunder.

(End of Clause)

[FR Doc. 92-11014 Filed 5-11-92; 8:45 am]

BILLING CODE 6820-34-M

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 26, 31, and 53

[Federal Acquisition Circular 90-11; Item IV]

Technical Amendments and Corrections

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Technical amendments and corrections.

SUMMARY: Technical amendments or corrections have been made to the Code

of Federal Regulations at FAR 26.103(b), 31.205–46(a)(2)(i), the undesignated paragraph following 31.205–46(a)(6), and 53.203(b) to correct inaccuracies and update information. Optional Form 333 has been approved for use and local reproduction through September 30, 1992.

EFFECTIVE DATE: May 12, 1992.

FOR FURTHER INFORMATION CONTACT: The FAR Secretariat, room 4037, GS Building, Washington, DC 20405, (202) 501–4755. Please cite FAC 90–11.

Dated: April 30, 1992.

Albert A. Vicchiolla,

Director, Office of Federal Acquisition Policy.

Therefore, 48 CFR parts 26, 31, and 53 are amended as set forth in the technical amendments appearing below:

1. The authority citation for 48 CFR parts 26, 31, and 53 continues to read as follows:

Authority: 40 U.S.C. 486(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

PART 26—OTHER SOCIOECONOMIC PROGRAMS

2. Section 26.103 is corrected in paragraph (b) by revising the first sentence to read as follows:

26.103 Procedures.

* * * * *

(b) In the event of a challenge to the self-certification of a subcontractor, the contracting officer shall refer the matter to the U.S. Department of the Interior, Bureau of Indian Affairs (BIA), Attn: Chief, Division of Contracting and Grants Administration, 1849 "C" Street, NW, MS–334A–SIB, Washington, DC 20240. * * *

* * * * *

PART 31—CONTRACT COST PRINCIPLES AND PROCEDURES

31.205–46 [Corrected]

3. Section 31.205–46 is corrected in paragraph (a)(2)(i) and the undesignated paragraph in (a)(6) by revising the words "Federal Travel Regulations" to read "Federal Travel Regulation".

PART 53—FORMS

53.203 [Amended]

4. Section 53.203 is amended in the last sentence of paragraph (b) by removing the date "March 31, 1992" and inserting in its place "September 30, 1992.

[FR Doc. 92–11011 Filed 5–11–92; 8:45 am]

BILLING CODE 6820–34–M

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Federal Acquisition Regulation Availability on Electronic Bulletin Board and CD-ROM

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice of availability.

FAR Changes Available on Electronic Bulletin Boards Through AT&T and Sprint Electronic (E-Mail)

Changes to the Federal Acquisition Regulation (FAR) in both proposed and final form are now available on Electronic Bulletin Boards (EBB) shortly after Federal Acquisition Circulars and Proposed Rules are published in the **Federal Register**. Changes are presented both in context as well as in revised Subsections, Sections, and Clauses.

How to Order: The FAR changes are available through the EBB's to all Federal agency users of the FTS2000 telecommunications system through the FTS2000MAIL electronic mail service by contacting their Designated Agency Representative (DAR).

Other FAR users may order the EBB service by contacting their DAR or current telecommunication supplier and asking them to arrange for access, or by requesting service from AT&T Mail at 1-800-624-5672, or service from SprintMail at 1-800-736-1130.

The EBB's are accessed through normal E-Mail procedures. Once connected to AT&T Mail, at the "Command:" prompt, the user will enter <READ !FAMR:README.1> for operating procedures. Once connected to SprintMail, at the "Command?" prompt, the user will enter <COMPOSE REGULATION> and follow menu and script instructions.

FAR/FIRMR Complete Regulations Available On CD-ROM Through the Superintendent of Documents

The full text and forms of the Federal Acquisition Regulation (FAR) and the Federal Information Resources Management Regulation (FIRMR), along with several information resources management and acquisition regulation publications, are available on a single Compact Disc-Read Only Memory (CD-ROM). The entire files of text and forms are updated and reissued quarterly, and have index and retrieval functions to search for, and download, required information.

System Requirements: Following is the minimum configuration:

1. An IBM PC/XT/AT or compatible with 500 KB RAM.
2. MS-DOS version 3.1. or later.
3. CD-ROM drive with MS-DOS extensions capable of reading ISO 9660 format.

How to Order: Stock Number 722-009-00000-2 for $106 per year, prepaid, or a Government purchase order to: Superintendent of Documents, PO Box 371954, Pittsburgh, PA 15250-7954 (or FAX 202-512-2233). To order with VISA or MASTER CARD, telephone 202-783-3238.

Contact for FAR: G. Doyle Dodge, GAS FAR Electronic Distribution Program, Office of Federal Acquisition Policy, 18th & F Streets, NW., room 4034, Washington, DC 20405, telephone, commercial or FTS, 202-501-2801.

For FIRMR on CD-ROM: Stewart Randall, GSA IRMS Regulations Analysis Division, 18th & F Streets, NW., room 3224, Washington, DC 20405, telephone, commercial or FTS, 202-501-4469.

Dated: April 30, 1992.

Albert C. Vicchiolla,

Director, Office of Federal Acquisition Policy.

[FR Doc. 92-11012 Filed 5-11-92; 8:45 am]

BILLING CODE 6820-34-M

federal register

Tuesday
May 12, 1992

Part VII

Department of Agriculture

Agricultural Marketing Service

7 CFR Part 110

Recordkeeping Requirements for Certified Applicators of Federally Restricted Use Pesticides; Proposed Rule

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 110

[CS-91-007]

RIN No. 0581-AA39

Recordkeeping Requirements for Certified Applicators of Federally Restricted Use Pesticides

AGENCY: Agricultural Marketing Service (AMS).

ACTION: Proposed rule.

SUMMARY: AMS is proposing to amend its regulations at 7 CFR by adding new requirements for recordkeeping by certified applicators of federally restricted use pesticides. The new regulations are being proposed for the purpose of implementing section 1491 of the Food, Agriculture, Conservation, and Trade Act of 1990 (FACT Act), which requires such recordkeeping. The records are needed to form a data base for agronomic and environmental surveys by State and Federal agencies and for annual reporting to Congress by the U.S. Department of Agriculture and the Environmental Protection Agency on the use of agricultural and nonagricultural federally restricted use pesticides. The proposed regulations include provision for protecting the identity of individual producers in such surveys and reports and do not include any requirement for reporting by certified applicators.

DATES: Comments must be received on or before August 10, 1992.

ADDRESSES: Interested persons are invited to submit comments concerning this proposal. Written comments should be sent to Dr. Alan Post, Docket Manager, USDA–AMS, Science Division, P.O. Box 96456, room 3522–S, Washington, DC 20090–6456 and should refer to the docket title and number located in the heading of this document. All comments submitted in response to this proposal will be available for public inspection in room 3064, South Agriculture Building, 14th & Independence Avenues, SW., between the hours of 9 a.m. and 3 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Dr. Craig A. Reed, Director, Science Division, AMS, room 3064 South Building, Washington, DC 20090–6456, (202) 720–5231.

SUPPLEMENTARY INFORMATION:

Executive Order 12291 and Regulatory Flexibility Act

The United States Department of Agriculture (USDA) has determined that this proposed rule is not a major rule under Executive Order 12291. It would not result in an annual effect on the economy of $100 million or more; a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in export or domestic markets.

This proposed action has also been reviewed under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The Administrator of the Agricultural Marketing Service has determined that the maximum number of small entities affected by this proposed rule would be less than 982,000 producers of agricultural commodities. The economic impact on these small entities would, however, amount to no more than $5 per application of federally restricted use pesticides based on the amount of time necessary to maintain a record. It also has been estimated that the time required to complete a record would be less than 5 minutes per application. This estimate could vary depending on the number of pesticide applications used by the producer to control agricultural pests. Therefore, the proposed action would not have a significant economic impact on a substantial number of small entities.

Executive Order 12778

This proposed rule has been reviewed under Executive Order 12778, Civil Justice Reform. If adopted, this proposed rule: (1) Will not preempt any state or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule; (2) will not have any retroactive effect; and (3) will not require administrative proceedings before parties may file suit challenging the provisions of this rule.

Paperwork Reduction Act

In accordance with section 3507 of the Paperwork Reduction Act of 1980 (44 U.S.C. 3507), the recordkeeping provisions that are included in this proposed rule have been submitted for approval to the Office of Management and Budget (OMB). Written comments will be considered if submitted to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for Agricultural Marketing Service, Washington, DC 20503. Please submit a duplicate copy of comments to: Director, Science Division, room 3064, South Agriculture Building, P.O. Box 96456, Washington, DC 20090–6456.

Background

As part of the Food, Agriculture, Conservation, and Trade Act of 1990, (Pub. L. 101–624; 7 U.S.C. 136i–1), hereinafter referred to as the FACT Act, Congress mandated the establishment, by the Secretary of Agriculture in consultation with the Administrator of the Environmental Protection Agency, of requirements of the Environmental Protection Agency, of requirements for recordkeeping by all certified applicators of federally restricted use pesticides. A certified applicator is an individual who is certified by the Environmental Protection Agency (EPA) or a State to use or supervise the use of restricted use pesticides. Applicator certification programs are administered by EPA, other Federal Agencies, and States. A restricted use pesticide, as distinguished from a general use pesticide, is one that has been classified as such under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA, at 7 U.S.C. 136a(d)(1)(c)). FIFRA through EPA regulations further provides that restricted use pesticides may be applied only by, or under the supervision of, a certified applicator. Applicator certification requirements are provided in the EPA regulations (40 CFR 171).

A certified applicator may be a commercial applicator or a private applicator. A private applicator is one who uses or supervises the use of any restricted use pesticide for the purposes of producing any agricultural commodity on: (1) Property that is owned by the applicator or rented by the applicator or the employer of the applicator; or (2) if applied without compensation other than trading of personal services between producers of agricultural commodities, on the property of another person. A commercial applicator is one who uses or supervises the use of a restricted use pesticide for any purpose on property other than as provided under the definition of a private applicator. Some private applicators may be commercial applicators in some situations, and *vice versa*.

Under regulations implementing the FIFRA, EPA approves State programs for certification of applicators and administers such certification programs in States or Indian tribes without approved certification programs. State certification programs approved by EPA for private and commercial applicators

are operated in every State except Colorado and Nebraska. In Colorado, EPA certifies private applicators, with commercial applicators certified by the Colorado Department of Agriculture. In Nebraska, EPA certifies both commercial and private applicators. EPA has also approved four Federal agency plans to certify their employees as applicators of restricted use pesticides: The Department of Agriculture, the Department of Defense, the Department of Energy, and the Department of the Interior. EPA has also approved the Fort Berthold Tribal certification program and is assisting other Indian tribes in the development of certification programs.

Currently, under rules promulgated by EPA or the States, commercial applicators are required to keep records of restricted use pesticide applications. Section 11 of the FIFRA explicitly prohibits EPA from requiring, through regulations, private applicators to maintain records. Current and proposed EPA rules on recordkeeping do not apply to private applicators. However, States may, on their own authority, require private applicator recordkeeping.

Increased emphasis on good agricultural practices (GAP) where restricted use pesticides are being applied is necessary to address such concerns as the protection of groundwater, endangered species, the health of farm workers, chronic toxicity, pesticide disposal, and pesticide residues in the food supply. Survey data and research information on pesticide use and effects are needed to support policies aimed at encouraging the adoption of GAP. Good agricultural practices entail strict adherence to prescribed label instructions for the application and use of agrochemicals, including pesticides and veterinary drugs for the production of food, to avoid or minimize the occurrence of chemical residues on agricultural commodities.

The FACT Act obligates the Secretary of Agriculture, in consultation with the Administrator of EPA, to require certified applicators to maintain certain records regarding use of restricted use pesticides. The Secretary of Agriculture and the Administrator of EPA are required under section 1491(f) of the FACT Act to survey the records and develop and maintain a comprehensive data base so that the Secretary and the Administrator of EPA can prepare and publish annual pesticide use reports, copies of which must be transmitted to Congress.

The proposed regulations include definitions (at proposed 7 CFR 110.2) to clarify many of the terms and words used in the proposed regulations. A number of these proposed definitions, such as those for "certified applicator," "private applicator," and "commercial applicator," are substantially similar to the definitions in FIFRA. A "restricted use pesticide" under FIFRA is a pesticide which has been classified as such in accordance with the criteria in 7 U.S.C. 136a(d)(1)(c). This proposed rule would only be applied to the application of these pesticides; it would not apply to the application of any other pesticides.

Other proposed definitions, such as those for "comparable," "supervise," "certification number," and "EPA registration number," are meant to show comparability of the proposal to existing EPA regulations, or to the requirements of a number of the States. The proposed definitions for "authorized representative," "recordkeeping," and "State lead agency," are intended to clarify terms used in the proposed regulations. Finally, the definitions for "respondent," "person," "presiding officer," and "complainant" would be provided to clarify certain terms used in the proposed rules of practice (proposed 7 CFR 110.8).

The proposed regulations would apply to all certified applicators including certified applicators in States where recordkeeping requirements for such persons, comparable to those for commercial applicators, do not exist. Proposed § 110.3(a)(1)–(5) would specify the content or data elements of the records to be kept. These elements would include, for each record:

(1) The brand or product name, formulation, and the EPA registration number of the restricted use pesticide that was applied.

(2) The total amount and the rate of application of the restricted use pesticide applied.

(3) The address or location, the size of area treated, the target pest, and the crop, commodity, or stored product to which a restricted use pesticide was applied. We encourage comments on how best to report and measure the size of an area treated with restricted use pesticides.

(4) The month, day, and year, on which the restricted use pesticide application occurred.

(5) The name, address, and certification number (if applicable) of the certified applicator who applied or who supervised the application of the restricted use pesticide.

USDA considers these data elements to be necessary to develop and maintain a data base that is sufficient to enable USDA and the EPA to prepare and publish annual pesticide use reports required by section 1491 of the FACT Act.

The proposal would require that information, which would be required by proposed § 110.3(a)(1)–(5), be recorded in a timely manner following pesticide application, and that the records be retained for 2 years after the date of the restricted use pesticide application (proposed 7 CFR 110.3(b) and (c)). The records maintenance requirement and, with respect to certain records, the retention period are mandated by the FACT Act. The 2-year retention period is also consistent with Department requirements of a number of the States for recordkeeping by certified applicators of restricted use pesticides.

Proposed § 110.3(d) would require a commercial applicator of restricted use pesticides to provide a copy of the records required to be maintained under this proposal to the person for whom such an application was made within 30 days of the application of the restricted use pesticide. This proposed requirement is designed to provide authorized representatives with easier access to the records necessary for the surveys required by the FACT Act.

In order to survey the records which would be required to be maintained, agencies must have access to such records and authority to copy such records. Therefore, the proposal would require (proposed 7 CFR 110.3(c) and (e)) certified applicators to: (1) Maintain the records in a manner accessible by authorized representatives of the Secretary or State lead agencies; (2) make such records available to authorized representatives of the Secretary or State lead agency upon oral request and presentation of credentials or written request by such representatives; and (3) permit authorized representatives of the Secretary and State lead agencies to copy such records. Further, to ensure that certified pesticide applicators are complying with the recordkeeping requirements, the proposal (proposed 7 CFR 110.4) would authorize the Secretary of Agriculture to inspect and copy any record required to be kept to determine whether a certified applicator is complying with the regulations.

If this proposed regulation is adopted, it will overlap some of the recordkeeping requirements imposed by EPA on commercial certified applicators of restricted use pesticides. In order to avoid duplication of regulatory effort and promote efficiency of the Federal Government, we intend to enter into a Memorandum of Understanding (MOU) with EPA in which EPA will be designated by the Department to enforce

any rule which is adopted against the commercial certified pesticide applicators.

If this proposal is adopted, EPA has indicated that it may revise its requirements for commercial applicators under FIFRA, including those required in State plans to more closely reflect the proposed requirements in this rulemaking document. This will assure closer alignment of the recordkeeping requirements imposed under FIFRA and the FACT Act.

The new rules would also provide for the establishment of cooperative programs between the Federal Government and the States for recordkeeping of restricted use pesticides. Currently, many States require pesticide applicators to maintain records on the application of restricted use pesticides. These States have the expertise necessary for the proper administration and enforcement of this proposal. Therefore, it is proposed in § 110.6, that the Administrator of the Agricultural Marketing Service may enter into cooperative agreements with States in order to utilize employees and facilities of the State in administering and enforcing the proposal. One way a cooperative program can be established is through the Talmadge-Aiken Act of September 28, 1962 (7 U.S.C. 450), which authorizes the Secretary (or his or her designee) to utilize employees and facilities of any State in carrying out Federal regulatory, marketing, inspection, and other functions. A cooperative program for this purpose is called a Federal-State program. A cooperative program can also be established with the States under the provisions of the Agricultural Marketing Act (7 U.S.C. 1624). Proposed § 110.6 sets forth provisions which would be included in any such agreements establishing such programs to carry out this proposal.

These provisions would include designation of the State lead agency for the purposes of administering the recordkeeping program. The responsibilities of State agencies for the enforcement of the proposed regulations and the imposition of penalties for violation of the proposed regulation would be delineated in the agreement. The qualifications of State employees assigned to administer and enforce the proposed requirements would be prescribed in the agreement to ensure that the administration and enforcement of the proposed regulations would be uniform, consistent, and according to the same professional standards from State to State and between the Federal Government and the States.

Although the Secretary is authorized by the FACT Act to administer the recordkeeping requirements, the FACT Act provides for access to pesticide records by both Federal and State agencies. The Department considers the mechanism of cooperative agreements to be appropriate for the efficient administration and enforcement of the recordkeeping requirements for restricted use pesticides, as it has been for various other Department programs. Because the cooperative agreement is voluntary in nature, we have proposed that it may be terminated at any time by mutual agreement of the parties. Further, so that the proposal, if adopted, may be continually enforced, we have proposed that the agreement may only be terminated unilaterally by the giving of written notice to the other party at least 90 days before a specified date of termination.

A further provision of the cooperative agreement would be for on-going liaison between the Federal Government and the States on enforcement, administration, or other matters. The purpose of this provision would be to identify and solve any intergovernmental problems or the need for clarification of a policy to alleviate any inconsistencies in administration or enforcement of the proposed regulations, or to deal with emergencies.

The Department recognizes that even though an orderly process would be provided for the termination of a cooperative agreement, the need may arise to act more expeditiously when it is determined that the pesticide recordkeeping requirements cannot be administered or enforced by the State under the terms of the cooperative agreement. In such case, it would be incumbent on the Department to assume the responsibility of carrying out the program in a State. A provision would be included in every cooperative agreement concluded under the proposed part which provides that the Administrator may administer and enforce the proposed requirement, if the State is unable to do so.

The Department also recognizes that some States may decide to enter a cooperative agreement even before their legislatures have passed the enabling statutes for a recordkeeping program for certified applicators of restricted-use pesticides. In such a case, the Department would enter into a cooperative agreement of a duration limited to 3 years. This cooperative agreement would contain the same provisions as a cooperative agreement that is not limited in duration, but it would be carried out under existing State and Federal authorities, and especially the provisions of the FACT Act requiring that records be kept and authorizing access by Federal or State agencies to such records.

$1.5 million was appropriated to implement section 1491 of the FACT Act in FY 1992. At this level of funding, financial assistance available to the participating States will be limited. Therefore, we encourage comments regarding the implementation of section 1491 of the FACT Act with limited or no financial assistance to the States. In any case, whether the cooperative agreement is of limited or unlimited duration, for a State to be eligible for such Federal technical or financial assistance as may be provided under the agreement, the State requirements for recordkeeping would have to be similar to the proposed recordkeeping requirements. In other words, the State would have to require, at minimum, the similar elements of information, retention period, and conditions of access to the records as those required by the rules being proposed.

The FACT Act provides that no government agency may release data that would directly or indirectly reveal the identity of individual producers. Therefore, we have proposed (at proposed 7 CFR 110.3(f)) that no Federal or State governmental agency shall release information obtained under the proposed regulations that would directly or indirectly reveal the identity of producers of commodities to which restricted use pesticides were applied. Under the proposed regulations, State and Federal agencies are the only governmental agencies that would have access to the records which would be required to be kept. (In the proposed 7 CFR 110.2, the word "State" is defined to be a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, or any other territory or possession of the United States, or an Indian governing body.)

The FACT Act provides that when a health professional determines that pesticide information required to be maintained under section 1491 of the FACT Act is necessary to provide medical care or first aid to an individual who may have been exposed to pesticides for which information is maintained, the person required to maintain the record shall, upon request, promptly provide the records and available label information to the health care professional. In order to carry out this provision of the FACT Act, it is

proposed at paragraph 110.5(a) that when a licensed health care professional determines that any record of the application of restricted use pesticide required to be maintained under the proposed regulations is necessary to provide medical treatment to an individual who may have been exposed to the restricted use pesticide for which the record is maintained, the certified applicator required to maintain the record shall provide the record and any available label information to the licensed health care professional.

The proposal would limit access under this provision to licensed health care professionals because, in the view of the Department, they would be the only health care professionals in a position to determine whether the pesticide information maintained under the proposal is necessary to provide medical treatment or first aid to an individual who may have been exposed to pesticides. Proposed § 110.2 defines the term "licensed health care professional" as a physician, nurse, emergency medical technician, or other qualified individual, licensed by a State to provide medical treatment.

Proposed 7 CFR 110.5(b) would prohibit licensed health care professionals from releasing the records described above except as necessary to provide medical treatment to an individual who may have been exposed to the restricted use pesticide for which the record is maintained. This proposed limitation upon release is designed to prevent a release of information, except as indicated above, which would reveal the identity of the producer of the commodity to which the pesticide was applied.

As provided in the FACT Act, the proposed regulations (proposed 7 CFR 110.7) provide that any certified applicator who violates the proposal would be liable for an administrative civil penalty of not more than $500 for the first violation, and a minimum of $1,000 for subsequent violations. The proposal further provides, in accordance with the FACT Act, that the civil penalty shall be less than $1,000 for a second offense if the Administrator determines that the certified applicator made a good faith effort to comply with the regulations.

Proposed rules of practice are set forth (in proposed section 110.8) that would provide alleged violators of the proposed rules with notice and opportunity for a hearing on the alleged violation. The proposed rules of practice are designed to provide alleged violators with a fair and expeditious proceeding.

USDA and EPA are required by section 1491(f) of the FACT Act to survey records maintained pursuant to section 1491(a) of the FACT Act to develop and maintain a data base sufficient to enable USDA and EPA to publish annual comprehensive reports concerning agricultural and nonagricultural uses of restricted use pesticides. These reports are required to be transmitted to Congress on an annual basis, and to avoid duplication of effort, EPA and USDA are required to enter into a MOU to define their responsibilities with respect to the requirements. The Department intends to conclude such a memorandum with the EPA in the near future.

For the reasons discussed in the preamble, it is proposed that 7 CFR be amended as follows:

List of Subjects in 7 CFR Part 110

Pesticides and pests, Reporting and recordkeeping requirements.

Part 110 would be added to 7 CFR, to read as follows:

PART 110—RECORDKEEPING ON RESTRICTED USE PESTICIDES BY CERTIFIED APPLICATORS; SURVEYS AND REPORTS

Sec.
110.1 Scope.
110.2 Definitions.
110.3 Records, retention, and access to records.
110.4 Demonstration of compliance.
110.5 Availability of records to facilitate medical treatment.
110.6 Federal cooperation with States.
110.7 Penalties.
110.8 Rules of practice.

Authority: 7 U.S.C. 136a(d)(1)(c); 7 U.S.C. 136i–1; 7 U.S.C. 450; 7 U.S.C. 1624; 7 CFR 2.17, 2.50.

§ 110.1 Scope.

This part sets forth the requirements for recordkeeping on restricted use pesticides by all certified applicators, both private applicators and commercial applicators.

§ 110.2 Definitions.

As used in this part, the following terms shall be construed, respectively, to mean:

Administrator. The Administrator of the Agricultural Marketing Service, United States Department of Agriculture, or any individual to whom the Administrator delegates authority to act in his or her behalf.

Authorized representative. Any person who is authorized to act on behalf of the Secretary or a State lead agency for the purpose of surveying records required to be kept under this part and enforcing this part.

Certification number. A number issued by EPA or a State to an individual who is authorized by EPA or the State to use or supervise the use of restricted use pesticide.

Certificated Applicator. Any individual who is certified to use or supervise the use of any restricted use pesticide covered by that individual's certification.

Commercial applicator. A certified applicator, whether or not the individual is a private applicator with respect to some uses, who uses or supervises the use of any restricted use pesticide for any purpose on any property other than as provided by the definition of *private applicator.*

Comparable. With respect to the records required to be kept under this part, similar to those required under EPA-approved State certification programs.

Complainant. An official of a Federal or State agency that deals with pesticide use or health or environmental issues related to the pesticide use, who institutes a proceeding pursuant to § 110.8 of this part.

EPA. The United States Environmental Protection Agency.

EPA registration number. The number assigned to a product registered with EPA in accordance with section 3 or 24c of the Federal Insecticide, Fungicide, and Rodenticide Act and implementing regulations, and borne on the label of the product.

Indian governing body. The governing body of any tribe, band, or group of Indians subject to the jurisdiction of the United States and recognized by the United States as possessing power of self-government.

Licensed health care professional. A physician, nurse, emergency medical technician, or other qualified individual, licensed by a State to provide medical treatment.

Person. Any individual, corporation, company, association, firm, partnership, society, or other legal entity.

Presiding Officer. Any individual designated in writing by the Administrator to preside at a proceeding conducted pursuant to § 110.8 of this part.

Private applicator. A certified applicator who uses or supervises the use of any restricted use pesticide for purposes of producing any agricultural commodity:

(1) On property owned or rented by the applicator or the employer of the applicator; or

(2) if applied without compensation, other than trading of personal services between producers of agricultural commodities, on the property of another person.

Recordkeeping. The recording by the certified applicator or the agent of the certified applicator of the information required by § 110.3(a) (1)–(5) of this part concerning each restricted use pesticide application, either electronically or manually in writing, and the maintenance of such records in a manner accessible to authorized representatives.

Respondent. The party proceeded against pursuant to § 110.8 of this part.

Restricted use pesticide. A pesticide that is federally classified for restricted use under section 3(d)(1)(c) of the Federal Insecticide, Fungicide, and Rodenticide Act.

Secretary. The Secretary of Agriculture, United States Department of Agriculture, or any individual to whom the Secretary delegates authority to act in his or her behalf.

State. A State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, and any other territory or possession in the United States, or an Indian governing body.

State lead agency. The agency designated by a State to have access to the records required to be maintained under this part.

Supervise. To provide instruction and guidance in the application of restricted use pesticides and exercise control over an applicator of restricted use pesticides in accordance with standards prescribed by the EPA in 40 CFR part 171.

§ 110.3 Records, retention, and access to records.

(a) Certified applicators of restricted use pesticides shall maintain records of the application of restricted use pesticides that include the following information for each application:

(1) The brand or product name, formulation, and the EPA registration number of the restricted use pesticide that was applied.

(2) The total amount and the rate of application of the restricted use pesticide applied.

(3) The address or location, the size of area treated, the target pest, and the crop, commodity, or stored product to which a restricted use pesticide was applied.

(4) The month, day, and year on which the restricted use pesticide application occurred.

(5) The name, address, and certification number (if applicable) of the certified applicator who applied or who supervised the application of the restricted use pesticide.

(b) The information required in this section shall be recorded in a timely manner following pesticide application.

(c) The records required in this section shall be retained for a period of 2 years from the date of the restricted use pesticide application and be maintained in a manner that is accessible by authorized representatives.

(d) A commercial applicator shall, within 30 days of a restricted use pesticide application, provide a copy of records maintained under this section to the person for whom the restricted use pesticide was applied. Such person shall keep this copy for 2 years after the application.

(e) A certified applicator shall, upon oral request and presentation of credentials or written request by an authorized representative, make available to the authorized representative the records required to be maintained under this section and permit the authorized representative to copy any of the records. The original of the records required to be maintained under this section shall be retained by certified pesticide applicators.

(f) No Federal or State agency shall release information obtained under this part that would directly or indirectly reveal the identity of producers of commodities to which restricted use pesticides have been applied.

(g) Certified applicators who apply restricted use pesticides in States where they are required to maintain records on applications of restricted use pesticides, comparable to those for commercial applicators in that State, and such records are maintained in accordance with State requirements are not subject to paragraphs (a), (b), and (c) of this section.

§ 110.4 Demonstration of compliance.

The Secretary is authorized to inspect and copy any record required to be maintained by this part in order to determine whether a certified applicator is complying with this part.

§ 110.5 Availability of records to facilitate medical treatment.

(a) When a licensed health care professional determines that any record of the application of restricted use pesticide required to be maintained under § 110.3 of this part is necessary to provide medical treatment to an individual who may have been exposed to the restricted use pesticide for which the record is maintained, the certified applicator required to maintain the record shall provide the record and any available label information to the licensed health care professional.

(b) No licensed health care professional shall release any record or information from any record obtained under paragraph (a) of this section except as necessary to provide medical treatment to an individual who may have been exposed to the restricted use pesticide for which the record is maintained.

§ 110.6 Federal cooperation with States.

(a) For the purpose of carrying out this part, the Administrator may enter into agreements with States.

(b) The Administrator may, after entering a State-Federal cooperative agreement with a State, utilize employees and facilities of the State to carry out any provision of this part in that State. This State-Federal cooperative agreement shall specify:

(1) The agency of the State that is designated as the State lead agency;

(2) The responsibilities of State agencies for the enforcement of this part and the imposition of penalties under this part;

(3) The qualifications required of the State employees administering and enforcing this part;

(4) That the State-Federal cooperative agreement may be terminated at any time by the mutual agreement of the parties to the agreement;

(5) That the State-Federal cooperative agreement may be terminated by either party by giving written notice to the other party at least 90 days before a specified date of termination; and

(6) The provisions for liaison between the State and the Administrator concerning the administration and enforcement of this part as may be agreed by the Administrator and the State.

(c) If at any time the Administrator shall determine that the State lead agency or other State agencies charged with carrying out the terms of the State-Federal cooperative agreement are unable to carry out the terms of the agreement, or, if for any reason the Administrator or State shall determine that the agreement is no longer in effect, the Administrator shall administer and enforce this part in the State.

(d) If a State shall notify the Administrator of its readiness to enter into a State-Federal cooperative agreement prior to passage of State legislation and regulations governing recordkeeping by certified applicators of restricted use pesticides, the Administrator may enter into a State-Federal cooperative agreement with the State for a duration not to exceed 3 years.

(e) For a State to be eligible for Federal technical or financial assistance under a State-Federal cooperative agreement, the State requirements for recordkeeping by all certified applicators of restricted use pesticides must be similar to the recordkeeping requirements under this part.

§ 110.7 Penalties.

Section 1491(d) of the Food, Agriculture, Conservation, and Trade Act of 1990 provides that the Secretary shall be responsible for enforcement of section 1491 (a), (b), and (c) of the Food, Agriculture, Conservation, and Trade Act of 1990. Therefore, as provided in section 1491(d) of the Food, Agriculture, Conservation, and Trade Act of 1990, any certified applicator who violates the requirements of this part shall be liable for a civil penalty of not more than $500 in the case of the first offense, and of not less than $1,000 in the case of each subsequent offense, except that the penalty shall be less than $1,000 for a second offense if the Administrator determines that the certified applicator made a good faith effort to comply with this part.

§ 110.8 Rules of practice.

(a) *Notice of violation.* If there is reason to believe that a person has violated or is violating any provision of this part, the complainant may file with the Presiding Officer a notice of violation signed by the complainant. The notice of violation shall state:

(1) The date of issuance of the notice of violation;

(2) The nature of the proceeding;

(3) The identification of the complainant and respondent;

(4) The legal authority under which the proceeding is instituted;

(5) The allegations of fact and provisions of law which constitute the basis for the proceeding;

(6) The amount of the proposed civil penalty; and

(7) The name, mailing address, and telephone number of the Presiding Officer.

(b) *Answer.* Within 30 days after the service of the notice of violation, the respondent shall file with the Presiding Officer an answer signed by the respondent or by the attorney of record in the proceeding. The answer shall:

(1) Admit, deny, or explain each of the allegations in the notice of violation and set forth any defense asserted by the respondent; or

(2) State that the respondent admits all the facts alleged in the notice of violation; or

(3) State that the respondent admits the jurisdictional allegations in the notice of violation and neither admits nor denies the remaining allegations and consents to the issuance of an order without further procedure.

(c) *Default.* Failure to file an answer within 30 days after service of the notice of violation shall be deemed, for purposes of the proceeding, an admission of the allegations in the notice of violation, and failure to deny or otherwise respond to an allegation in the notice of violation shall be deemed, for purposes of the proceeding, an admission of the allegation, unless the complainant and respondent have agreed to a consent decision pursuant to paragraph (e) of this section.

(d) *Amendment of notice of violation or answer.* At any time prior to the filing of a motion for a hearing, the notice of violation or answer may be amended with the consent of the complainant and respondent or as authorized by the Presiding Officer upon a showing of good cause.

(e) *Consent decision.* At any time before the Presiding Officer files the decision, the complainant and respondent may agree to the entry of a consent decision. The agreement shall be in the form of a decision signed by the complainant and respondent with appropriate space for signature by the Presiding Officer, and shall contain an admission of at least the jurisdictional facts, consent to the issuance of the agreed decision without further procedure and such other admissions or statements as may be agreed to by the complainant and respondent. The Presiding Officer shall enter such decision without further procedure, unless an error is apparent on the face of the document. The consent decision shall have the same force and effect as a decision issued after a full hearing, shall become final upon issuance, and shall become effective in accordance with the terms of the decision.

(f) *Procedure upon failure to file an answer or admission of facts.* The failure to file an answer with the Presiding Officer, or the admission by the answer of all the material allegations of fact contained in the notice of violation, shall constitute a waiver of hearing. Upon such admission or failure to submit an answer, complainant shall file with the Presiding Officer a proposed decision, along with a motion for the adoption of the proposed decision both of which shall be served upon the respondent by the Presiding Officer. Within 20 days after service of the motion and proposed decision, the respondent may file with the Presiding Officer objections to the motion and proposed decision. If the Presiding Officer finds that meritorious objections have been filed, complainant's motion shall be denied with supporting reasons. If meritorious objections are not filed, the Presiding Officer shall issue a decision without further procedure or hearing. Copies of the decision or denial of complainant's motion shall be served by the Presiding Officer upon the respondent and the complainant and may be appealed pursuant to paragraph (l) of this section. Where the decision as proposed by complainant is entered, such decision shall become final and effective without further proceedings 35 days after the date of service of the decision upon the respondent, unless there is an appeal to the Administrator by the complainant or respondent, pursuant to paragraph (l) of this section.

(g) *Conferences.* (1) Upon motion of the complainant or respondent, the Presiding Officer may direct the complainant and respondent or their counsel to attend a conference at any reasonable time, prior to or during the course of the hearing, when the Presiding Officer finds that the proceeding would be expedited by a conference. Reasonable notice of the time and place of the conference shall be given. The Presiding Officer may order the complainant or respondent to furnish at or subsequent to the conference any or all of the following:

(i) An outline of the case or defense;

(ii) The legal theories upon which the party will rely;

(iii) A list of documents which the party anticipates introducing at the hearing; and

(iv) A list of anticipated witnesses who will testify on behalf of the party. At the discretion of the party furnishing such list of witnesses, the names of the witnesses need not be furnished if they are otherwise identified in some meaningful way such as a short statement of the type of evidence they will offer.

(2) The Presiding Officer shall not order a party to furnish the information or documents listed in paragraph (g)(1) (i) through (iv) of this section if the party can show that providing the particular information or document is inappropriate or unwarranted under the circumstances of the particular case.

(3) At the conference, the following matters may be considered:

(i) The simplification of issues;

(ii) The necessity of amendments to the notice of violation or answer;

(iii) The possibility of obtaining stipulations of facts and of the authenticity, accuracy, and admissibility of documents, which will avoid unnecessary proof;

(iv) The limitation of the number of expert or other witnesses;

(v) Negotiation, compromise, or settlement of issues;

(vi) The exchange of copies of proposed exhibits;

(vii) The identification of documents or matters of which official notice may be requested;

(viii) A schedule to be followed by the parties for completion of the actions decided at the conference; and

(ix) Such other matters as may expedite and aid in the disposition of the proceeding.

(4) A conference will not be stenographically reported unless so directed by the Presiding Officer.

(5) In the event the Presiding Officer concludes that personal attendance by the Presiding Officer and the parties or counsel at a conference is unwarranted or impractical, but determines that a conference would expedite the proceeding, the Presiding Officer may conduct the conference by telephone or correspondence.

(6) Actions taken as a result of a conference shall be reduced to a written appropriate order, unless the Presiding Officer concludes that a stenographic report shall suffice, or, the Presiding Officer elects to make a statement on the record at the hearing summarizing the actions taken.

(h) *Procedure for hearing*—(1) *Request for hearing.* The complainant or respondent may request a hearing on the facts by including such a request in the notice of violation or answer, or by a separate request, in writing, filed with the Presiding Officer within the time in which an answer may be filed. Failure to request a hearing within the time allowed for the filing of the answer shall constitute a waiver of a hearing. In the event the respondent denies any material fact and fails to file a timely request for a hearing, the matter may be set down for hearing on motion of the complainant filed with the Presiding Officer or upon the Presiding Officer's own motion.

(2) *Time and place.* If any material issue of fact is joined by the pleadings, the Presiding Officer, upon motion of any of the parties stating that the matter is at issue and is ready for hearing, shall set a time and place for hearing as soon as feasible with due regard for the public interest and the convenience and necessity of the parties. The Presiding Officer shall issue a notice stating the time and place of hearing. If any change in the time or place of the hearing is made, the Presiding Officer shall issue a notice of this change, which notice shall be served upon the complainant and respondent, unless it is made during the course of an oral hearing and made a part of the transcript, or actual notice is given to the parties.

(3) *Appearances.* The parties may appear in person or by attorney of record in the proceeding. Any individual who appears as an attorney must conform to the standard of ethical conduct required of practitioners before the courts of the United States.

(4) *Debarment of attorney.* Whenever a Presiding Officer finds that an individual acting as attorney for any party to the proceeding is guilty of unethical or contumacious conduct, in or in connection with a proceeding, the Presiding Officer may order that the individual be precluded from further acting as attorney in the proceeding. An appeal to the Administrator may be taken from any such order, but no proceeding shall be delayed or suspended pending disposition of the appeal: *Provided,* That the Presiding Officer shall suspend the proceeding for a reasonable time for the purpose of enabling the party to obtain another attorney.

(5) *Failure to appear.* A respondent who, after being duly notified, fails to appear at the hearing without good cause, shall be deemed to have waived the right to an oral hearing in the proceeding and to have admitted any facts which may be presented at the hearing. The failure by the respondent to appear at the hearing shall also constitute an admission of all the material allegations of fact contained in the notice of violation. The complainant shall have an election whether to follow the procedure set forth in paragraph (f) of this section or whether to present evidence, in whole or in part, in the form of affidavits or by oral testimony before the Presiding Officer. Failure to appear at a hearing shall not be deemed to be a waiver of the right to be served with a copy of the Presiding Officer's decision and to appeal to the Administrator pursuant to paragraph (l) of this section.

(6) *Order of proceeding.* Except as may be determined otherwise by the Presiding Officer, the complainant shall proceed first at the hearing.

(7) *Evidence.* (i) The testimony of witnesses at a hearing shall be on oath or affirmation and subject to cross-examination.

(ii) Upon a finding of good cause, the Presiding Officer may order that any witness be examined separately and apart from all other witnesses except those who are parties to the proceeding.

(iii) Evidence which is immaterial, irrelevant, or unduly repetitious, or which is not of the sort upon which responsible persons are accustomed to rely, shall be excluded insofar as practicable.

(8) *Objections.* (i) If a party objects to the admission of any evidence or to the limitation of the scope of any examination or cross-examination or to any other ruling of the Presiding Officer, the party shall state briefly the grounds of such objection, whereupon an automatic exception will follow if the objection is overruled by the Presiding Officer.

(ii) Only objections made before the Presiding Officer may subsequently be relied upon in the proceeding.

(9) *Exhibits.* Unless the Presiding Officer finds that the furnishing of copies is impracticable, four copies of each exhibit shall be filed with the Presiding Officer: *Provided,* That, where there are more than two parties in the proceeding, an additional copy shall be filed for each additional party. A true copy of an exhibit may be substituted for the original.

(10) *Official records of documents.* An official government record or document or entry in such a record or document, if admissible for any purpose, shall be admissible in evidence without the production of the individual who made or prepared the same, and shall be prima facie evidence of the relevant facts stated in the record or document. Such record or document shall be evidenced by an official publication of the record or document or by a copy certified by an individual having legal authority to make such certification.

(11) *Official notice.* Official notice shall be taken of such matters as are judicially noticed by the courts of the United States and of any other matter of technical, scientific, or commercial fact of established character: *Provided,* That the parties shall be given adequate notice of matters so noticed, and shall be given adequate opportunity to show that such facts are erroneously noticed.

(12) *Offer of proof.* Whenever evidence is excluded by the Presiding Officer, the party offering such evidence may make an offer of proof, which shall be included in the transcript. The offer of proof shall consist of a brief statement describing the evidence excluded. If the evidence consists of a brief oral statement, the statement shall be included in the transcript in its entirety. If the evidence consists of an exhibit, it shall be marked for identification and inserted in the hearing record. In either event, the evidence shall be considered a part of the transcript and hearing record if the Administrator, upon appeal, decides the Presiding Officer's ruling excluding the evidence was erroneous and prejudicial.

If the Administrator, upon appeal, decides the Presiding Officer's ruling excluding the evidence was erroneous and prejudicial and that it would be appropriate to have such evidence considered a part of the hearing record, the Administrator may direct that the hearing be reopened to permit the taking of such evidence or for any purpose in connection with the excluded evidence.

(13) *Transcript.* Hearings shall be recorded and transcribed verbatim.

(i) *Post-hearing procedure.*—(1) *Corrections to transcript.* (i) Within the period of time fixed by the Presiding Officer, any party may file a motion proposing corrections to the transcript.

(ii) Unless a party files a motion proposing corrections to the transcript in the time fixed by the Presiding Officer, the transcript shall be presumed, except for obvious typographical errors, to be a true, correct, and complete transcript of the testimony given at the hearing and to contain an accurate description or reference to all exhibits received in evidence and made part of the hearing record and shall be deemed to be certified without further action by the Presiding Officer.

(iii) As soon as practicable after the close of the hearing and after consideration of any timely objection filed as to the transcript, the Presiding Officer shall issue an order making any corrections to the transcript which the Presiding Officer finds are warranted, which corrections shall be entered onto the original transcript by the Presiding Officer without obscuring the original text.

(2) *Proposed finding of fact, conclusions, order, and briefs.* Prior to the Presiding Officer's decision, each party shall be afforded a reasonable opportunity to submit for consideration proposed findings of fact, conclusions, order, and brief in support of the proposed findings of fact, conclusions and order. A copy of each such document filed by a party shall be served upon each of the other parties.

(3) *Presiding Officer's decision.* (i) The Presiding Officer shall issue a decision within 30 days after the hearing, or, if any party submits proposed findings of fact, conclusions, order, and a brief in support thereof in accordance with paragraph (i)(2) of this section, 30 days after the last such submission. The Presiding Officer's decision shall include the Presiding Officer's findings of the fact, conclusions of law, and the reasons or basis for the findings of fact and conclusions of law.

(ii) The Presiding Officer's decision shall become effective without further proceedings 35 days after the date of service of the decision upon the respondent, unless there is an appeal to the Administrator by a party to the proceeding pursuant to paragraph (l) of this section.

(j) *Motions and requests*—(1) *General.* All motions and requests shall be filed with the Presiding Officer, and served upon all the parties, except:

(i) Requests for extensions of time pursuant to paragraph (m)(3) of this section; and

(ii) Motions and requests made on the record during the oral hearing. The Presiding Officer shall rule upon all motions and requests filed or made prior to the filing of an appeal of the Presiding Officer's decision pursuant to paragraph (l) of this section except motions directly relating to the appeal. Thereafter, the Administrator will rule on any motions and requests, as well as the motions directly relating to the appeal.

(2) *Motions entertained.* (i) Any motion will be entertained other than a motion to dismiss on the pleading. (A motion by the complainant seeking the voluntary dismissal of the notice of violation may be entertained by the Presiding Officer or the Administrator.)

(ii) All motions and requests concerning the notice of violation must be made within the time allowed for filing an answer, except motions by the complainant seeking voluntary dismissal of the notice of violation.

(3) *Contents.* All written motions and requests shall state the particular order, ruling, or action desired and the grounds for the order, ruling, or action desired.

(4) *Response to motions and requests.* Within 10 days after service of any written motion or request, or within a shorter or longer period as may be fixed by the Presiding Officer or the Administrator, an opposing party may file a response to the motion or request. The other party shall have no right to reply to the response; however, the Presiding Officer or the Administrator, in their discretion, may order that a reply be filed.

(k) *Presiding Officer*—(1) *Assignment.* No Presiding Officer shall be assigned to serve in any proceeding who:

(i) Has any pecuniary interest in any matter or business involved in the proceeding;

(ii) is related within the third degree by blood or marriage to any party to the proceeding; or

(iii) has any conflict of interest which might impair the Presiding Officer's objectivity in the proceeding.

(2) *Disqualification of Presiding Officer.* (i) Any party to the proceeding may, by motion made to the Presiding Officer, request that the Presiding Officer withdraw from the proceeding because of an alleged disqualifying reason. Such motion shall set forth with particularity the grounds of alleged disqualification. The Presiding Officer may then either rule upon or certify the motion to the Administrator, but not both.

(ii) A Presiding Officer shall withdraw from any proceeding for any reason deemed by the Presiding Officer to be disqualifying.

(3) *Powers.* The Presiding Officer, in any assigned proceeding, shall have power to:

(i) Rule upon motions and requests;

(ii) Set the time and place of a conference and the hearing, adjourn the hearing from time to time, and change the time and place of hearing;

(iii) Administer oaths and affirmations;

(Iv) Summon and examine witnesses and receive evidence at the hearing;

(v) Admit or exclude evidence;

(vi) Hear oral argument on facts or law;

(vii) Do all acts and take all measures necessary for maintenance or order, including the exclusion of contumacious counsel or other persons; and

(viii) Take all other actions authorized under this section.

(l) *Appeal to the Administrator*—(1) *Filing of petition.* Within 30 days after receiving notice of the Presiding Officer's decision, a party who disagrees with the decision, or any part of the Presiding Officer's decision, or any ruling by the Presiding Officer or a party who alleges a deprivation of rights, may appeal the Presiding Officer's decision or rulings to the Administrator by filing an appeal petition with the Administrator. As provided in paragraph (h)(8) of this section, objections regarding evidence or a limitation regarding examination or cross examination or other ruling made before the Presiding Officer may be relied upon in an appeal. The appeal petition shall state the name and address of the person filing the appeal petition. Each issue set forth in the appeal petition, and the arguments on each issue, shall be separately numbered; shall be plainly and concisely stated; and shall contain detailed citations of the record, statutes, regulations, or authorities being relied upon in support of the argument. A brief may be filed in support of the appeal simultaneously with appeal petition.

(2) *Response to appeal petition.* Within 20 days after the service of a copy of an appeal petition any brief in support of the appeal petition, filed by a party to the proceeding, any other party may file with the Administrator a response in support of or in opposition

to the appeal petition and, in such response any relevant issue, not presented in the appeal petition, may be raised.

(3) *Transmittal of record.* Whenever an appeal to the Presiding Officer's decision is filed and a response to the appeal has been filed or time for filing a response has expired, the Presiding Officer shall transmit to the Administrator the record of the proceeding. The record shall include: The pleadings; motions and requests filed and rulings on such motions and requests; the transcript of the testimony taken at the hearing, together with the exhibits filed in connection with the hearing; any documents or papers filed in connection with a conference; such proposed findings of fact, conclusions, and orders, and briefs in support thereof, as may have been filed in connection with the proceeding; the Presiding Officer's decision; and such exceptions, statements of objections and briefs in support thereof as may have been filed in the proceeding.

(4) *Decision of the Administrator on appeal.* As soon as practicable after the receipt of the record from the Presiding Officer, the Administrator, upon the basis of and after due consideration of the record and any matter of which official notice is taken, shall rule on the appeal. If the Administrator decides that no change or modification of the Presiding Officer's decision is warranted, the Administrator may adopt the Presiding Officer's decision as the final order in the proceeding, preserving any right of the party bringing the appeal to seek judicial review of such decision in the proper forum.

(m) *Filing; service; extensions of time; and computation of time*—(1) *Filing; number of copies.* Except as otherwise provided in this section, all documents or papers required or authorized by this section to be filed with the Presiding Officer or Administrator shall be filed in quadruplicate: *Provided,* That where there are more than two parties in the proceeding, an additional copy shall be filed for each additional party.

(2) *Service; proof of service.* Copies of all documents or papers required or authorized by this section to be filed with the Presiding Officer or Administrator shall be served upon the parties by the person with whom such documents or papers are filed. Service shall be made either:

(i) By delivering a copy of the document or paper to the individual to be served or to a member of the partnership to be served, or to the president, secretary, or other executive officer or any director of the corporation or association to be served, or to the attorney of record representing such person; or

(ii) By leaving a copy of the document or paper at the principal office or place of business or residence of such individual, partnership, corporation, organization, or association, or of the attorney of record representing such person and mailing by regular mail another copy to such person at such address; or

(iii) By registering or certifying and mailing a copy of the document or paper, addressed to such individual, partnership, corporation, organization, or association, or to the attorney of record representing such person, at the last known residence or principal office or place of business of such person: *Provided,* That if the registered or certified document or paper is returned undelivered because the addressee refused or failed to accept delivery, the document or paper shall be served by remailing it by regular mail. Proof of service under this paragraph shall be made by the certificate of the person who actually made the service: *Provided,* That if the service be made by mail, under paragraph (m)(2)(iii) of this section, proof of service shall be made by the return post-office receipt, in the case of registered or certified mail, or by the certificate of the person who mailed the matter by regular mail. Any certificate or post-office receipt returned to the Presiding Officer or Administrator shall be filed by the Presiding Officer or Administrator, and made a part of the record of the proceeding.

(3) *Extensions of time.* The time for the filing of any document or paper required or authorized under this section to be filed may be extended by the Presiding Officer or the Administrator as provided in paragraph (j) of this section, if in the judgment of the Presiding Officer or the Administrator, as the case may be, there is good reason for the extension. In all instances in which time permits, notice of the request for extension of the time shall be given to the other party with opportunity to submit views concerning the request.

(4) *Effective date of filing.* Any document or paper required or authorized under this section to be filed shall be deemed to be filed at the time when it reaches the person with whom the document or paper must be filed.

(5) *Computation of time.* Saturdays, Sundays, and holidays shall be included in computing the time allowed for the filing of any document or paper: *Provided,* That, when such time expires on a Saturday, Sunday, or holiday, such period shall be extended to include the next following business day.

(n) *Ex parte communications.* (1) At no stage of the proceeding between its institution and the issuance of the final decision shall the Presiding Officer or Administrator discuss ex parte the merits of the proceeding with any person who is connected with the proceeding in an advocative or in an investigative capacity, or with any representative of such person: *Provided,* That the Presiding Officer or Administrator may discuss the merits of the case with such a person if all parties to the proceeding, or their attorneys have been given notice and an opportunity to participate. A memorandum of such discussion shall be included in the record.

(2) No interested person shall make or knowingly cause to be made to the Presiding Officer or Administrator an ex parte communication relevant to the merits of the proceeding.

(3) If the Presiding Officer of the Administrator receives an ex parte communication in violation of this paragraph, the individual who receives the communication shall place in the public record of the proceeding:

(i) Any such written communication;

(ii) Memoranda stating the substance of such oral communication; and

(iii) Any written response, and memoranda stating the substance of any oral response to the ex parte communication.

(4) For purposes of this section *ex parte communication* means an oral or written communication not on the public record with respect to which reasonable prior notice to all parties is not given, but it shall not include requests for status reports on any matter or the proceeding.

Dated: May 8, 1992.

Daniel Haley,

Administrator.

[FR Doc. 92-11200 Filed 5-8-92; 1:31 pm]

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federal register

Tuesday
May 12, 1992

Part VIII

The President

Proclamation 6431—Public Service Recognition Week, 1992

Proclamation 6432—Infant Mortality Awareness Day, 1992

Federal Register
Vol. 57, No. 92
Tuesday, May 12, 1992

Presidential Documents

Title 3—

The President

Proclamation 6431 of May 8, 1992

Public Service Recognition Week, 1992

By the President of the United States of America

A Proclamation

Good government is a reflection of the men and women who make it that way, and we Americans owe a great debt of gratitude to our Nation's 20 million public employees. Through their dedicated efforts at the Federal, State, and local levels, these men and women help to ensure our freedom, safety, security, and progress. Theirs is a noble yet challenging mission, and it is fitting that we set aside a week in their honor.

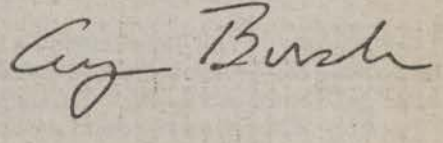
All public employees are dedicated to upholding the principles enshrined in our Constitution. They help to establish justice and ensure domestic tranquility by defending law and order in our communities and by providing for the day-to-day operation of our courts and corrections facilities; they provide for the common defense by supporting our military bases and by maintaining our transportation networks; and they promote the general welfare by conducting biomedical research, by ensuring the safety of our food supply, and by administering programs to aid citizens in need and preserve our environment. Finally, public employees help to secure the blessings of liberty to ourselves and our posterity by educating our children, by preserving historic documents and landmarks, and by ensuring the integrity of public elections. The contributions of government workers in these and countless other fields of endeavor have helped make possible the freedom and prosperity that we Americans enjoy today.

Americans who have chosen to engage in public service are making a profound difference in the lives of their neighbors and in the future of this country. For all their work to better the life of each American, they deserve our recognition and support.

The Congress, by House Joint Resolution 430, has designated the week beginning May 4, 1992, as Public Service Recognition Week and requested the President to issue a proclamation in observance of this week.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim the week of May 4 through May 10, 1992, as Public Service Recognition Week. I encourage all Americans to observe this week with appropriate programs and activities in honor of the dedicated men and women who serve our Nation as employees of Federal, State, and local government. I also invite young Americans to learn more about the important and rewarding work that is done by public employees and to consider devoting their talents and energy toward careers in government.

IN WITNESS WHEREOF, I have hereunto set my hand this eighth day of May, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the United States of America the two hundred and sixteenth.



[FR Doc 92-11339
Filed 5-11-92; 10:39 am]
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Presidential Documents

Proclamation 6432 of May 8, 1992

Infant Mortality Awareness Day, 1992

By the President of the United States of America

A Proclamation

In recent years, our Nation has made significant and encouraging progress in its efforts to improve the health of mothers and infants. The Department of Health and Human Services reports that, in 1991, the infant mortality rate was 8.9 deaths per 1,000 live births—the lowest ever recorded and a continued decline from previous years. This decrease can be attributed to a number of factors, including advances in science and technology, which have enabled us to save the lives of babies who are born prematurely or who develop dangerous conditions while still in the womb.

While we are justly proud of these advances and of the excellent standards of care provided in our Nation's neonatal intensive care units, we know that there is still much work to do. Several important indicators of maternal and child health, such as incidence of low birth weight and receipt of prenatal care, have not shown desired improvements. Moreover, the percentage of babies born to teenage mothers and the number of pregnant women who used one or more illegal substances during their pregnancies have increased. On this occasion, therefore, we renew our commitment to promoting maternal and child health—beginning with high quality prenatal care throughout pregnancy.

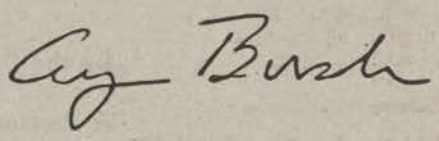
Although government cannot fulfill the primary responsibility of parents in caring for their children, officials at the Federal, State, and local levels have been working with health care professionals and other members of the private sector to help pregnant women protect the lives of their unborn children through proper nutrition and prenatal care. Prenatal care is especially important for women who are at increased medical or social risk. Today, for example, black infants have twice the risk of dying before their first birthday than do white infants. By expanding access to quality prenatal care and other family support services, we will alleviate tremendous human suffering and ensure that every child receives the best possible start in life. In addition, because the cost of preventive care is much less than the cost of caring for infants with low birth weight and other health problems, our efforts have the potential to produce substantial economic savings.

As part of our national campaign to improve maternal and child health, we have launched the Healthy Start program, a pilot project designed to bring needed information and services to pregnant women and to cut existing rates of infant mortality by half in 15 high-risk areas. Elements of the Healthy Start program include education about healthy life-styles, improved transportation to clinics and other medical facilities, the pooling of services to provide "one-stop shopping" for care, and smoking and drug abuse cessation programs. Our goal is to develop innovative programs that work, and then replicate them in other American communities. At the same time, we continue to promote public awareness of ways that each of us can help to improve maternal and child health in the United States.

As an expression of our Nation's commitment to further progress in the fight against infant mortality, the Congress, by House Joint Resolution 425, has designated May 10, 1992, as "Infant Mortality Awareness Day" and requested the President to issue a proclamation in observance of this day.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim May 10, 1992, as Infant Mortality Awareness Day. I urge all Americans to observe this day with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this eighth day of May, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the United States of America the two hundred and sixteenth.



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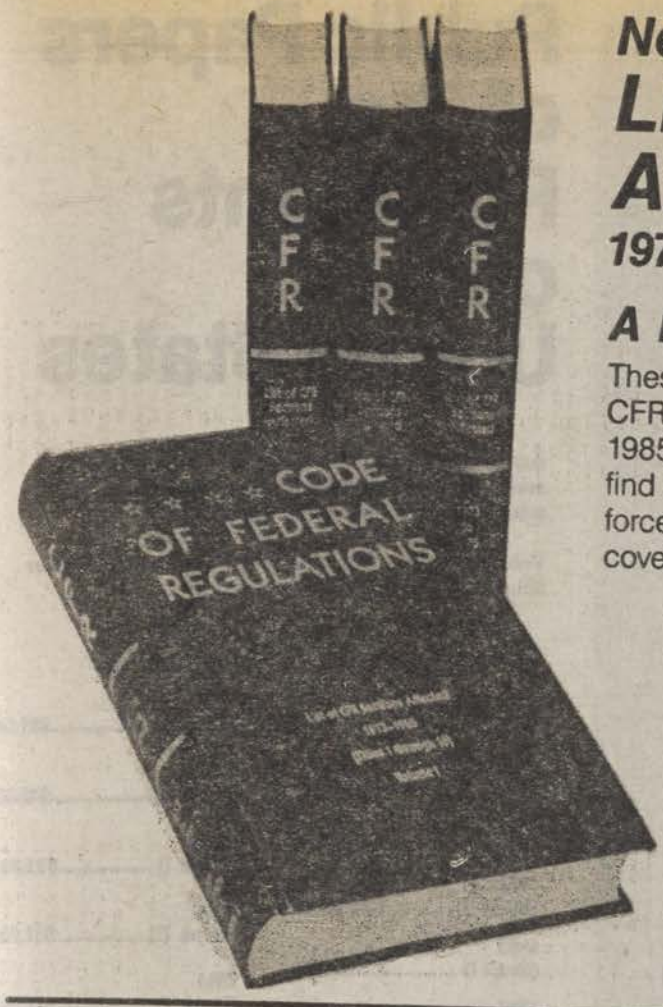
Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

Last List May 1, 1992



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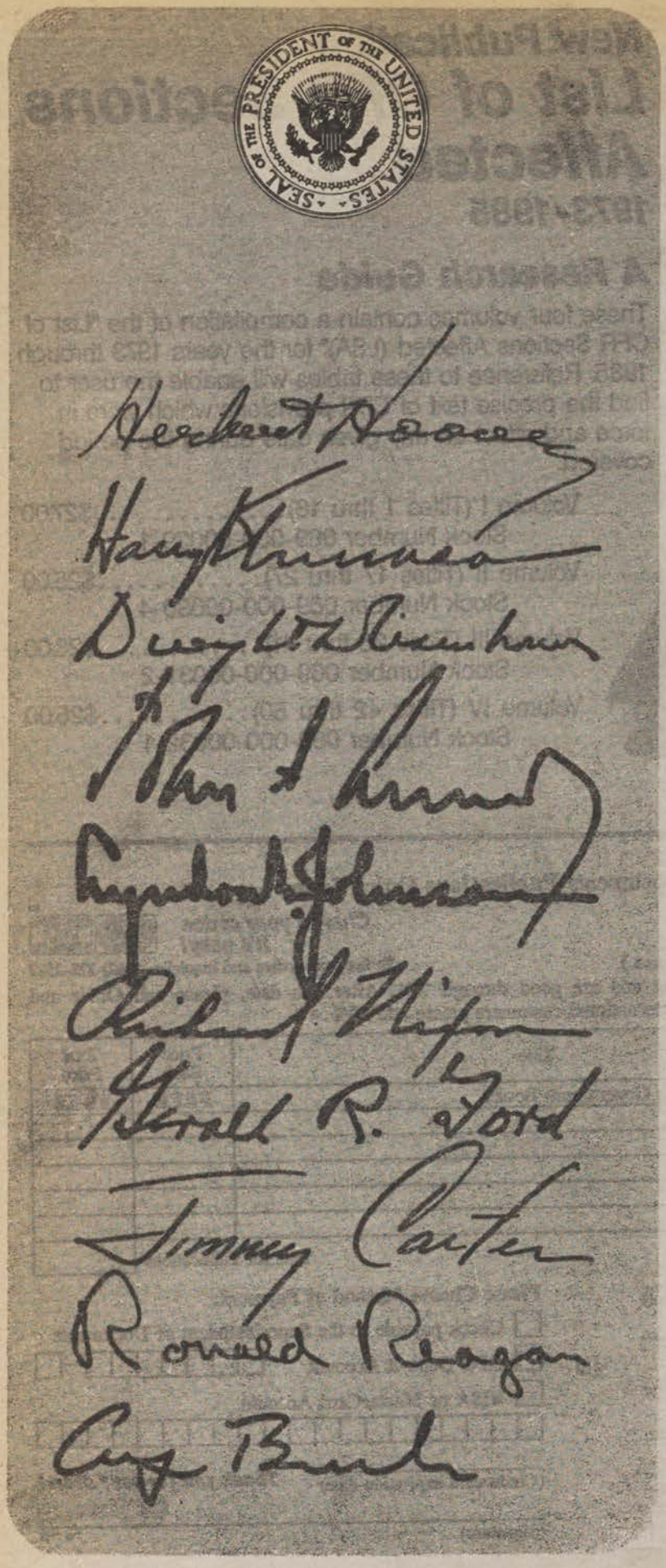

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